



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, August 11, 2020
8:00 PM**

PROPOSED AGENDA

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations
 - Topology-Designation of Properties as Areas in need of Redevelopment
 - Historic Preservation Commission-General Ordinance No. 2183
6. Advertised Hearings
 1. GENERAL ORDINANCE NO. 2177
AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ESTABLISH AND REGULATE BOARDING HOUSES
 2. GENERAL ORDINANCE NO. 2178
AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS
 3. GENERAL ORDINANCE NO. 2180
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO WALL-MOUNTED SIGNS FOR CORNER LOTS
 4. GENERAL ORDINANCE NO. 2181
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF ACCESSORY BUILDING OR STRUCTURE
 5. GENERAL ORDINANCE NO. 2182

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO DIMENSIONS OF GARAGE PARKING SPACES

6. GENERAL ORDINANCE NO. 2183
AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD (**Note: Ordinance to be amended. Public Hearing will not be held**)
7. GENERAL ORDINANCE NO. 2184
AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Mid-Block Crosswalks)
8. GENERAL ORDINANCE NO. 2185
AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13 (Fourth Avenue Parking Restrictions)
7. Approval of Minutes from Town Council Regular Meeting held July 14, 2020
8. Petitions and Communications
9. Open discussion by citizens
10. Bills and Claims in the amount of \$1,461,941.92
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for first quarter Construction Official's State permit fees for 2020
2. Resolution authorizing the Chief Financial Officer to draw warrant for second quarter Construction Official's State permit fees for 2020
3. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
4. Resolution authorizing the Chief Financial Officer to draw a check for the balance of escrow monies
5. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for July 2020
6. Resolution authorizing the Chief Financial Officer for refund of dumpster security payment
7. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
8. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes in 2020
9. Resolution authorizing the Chief Financial Officer to draw warrants for 2019 pursuant to Tax Court of NJ
10. Resolution authorizing an award of contract for purchase and installation of playground equipment in Sycamore Park
11. Resolution to approve insertion of special item of revenue in the municipal budget (Sustainable Jersey Grant)

12. Resolution to approve insertion of special item of revenue in the municipal budget (Kids Recreation Grant)
13. Resolution to approve insertion of special item of revenue in the municipal budget (Greening Union County Grant)
14. Resolution to rescind Res. No. 138-2020 insertion of special item of revenue in the municipal budget (Body Armor)
15. Resolution authorizing the Chief Financial Officer to draw warrant for Risk Management Consultant Fee
16. Resolution authorizing the Chief Financial Officer to issue warrants for Union County & Union County Open Space Taxes
17. Resolution authorizing the Chief Financial Officer to issue warrants for Special District Taxes

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution designating an area of the Town of Westfield, as more particularly described herein, as “An Area in need of Redevelopment”, pursuant to the Local Redevelopment and Housing Law (Lord & Taylor)
2. Resolution designating an area of the Town of Westfield, as more particularly described herein, as “An Area in need of Redevelopment”, pursuant to the Local Redevelopment and Housing Law (Rialto)
3. GENERAL ORDINANCE NO. 2183 (Amendment)
AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD
4. Resolution amending General Ordinance No. 2183 relating to historic preservation
5. GENERAL ORDINANCE NO. 2188
AN ORDINANCE TO AMEND ARTICLE IA “DEMOLITIONS” OF CHAPTER 8 OF THE TOWN CODE OF WESTFIELD

Public Works Committee

1. Resolution authorizing a contract for EV Charging Stations
12. Reports of Department Heads

Adjournment

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2177

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE
TO ESTABLISH REGULATE BOARDING HOUSES**

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the New Jersey State Legislature has vested municipalities with the authority to adopt and amend zoning ordinances; and

WHEREAS, pursuant to N.J.S.A. 55:13B-1, et seq. and N.J.S.A. 40:52-10, et seq., the New Jersey State Legislature has vested municipalities with the authority to adopt policies and procedures for regulating rooming and boarding houses; and

WHEREAS, the Town of Westfield (the “Town”) has adopted zoning ordinances setting forth permitted and prohibited uses in residential zones throughout the Town; and

WHEREAS, the purpose of residential-single (“RS”) unit zones is to provide for areas of residential development that promote neighborhood quality, character, and livability, and minimizes adverse impacts to adjacent properties; and, that the purpose of residential-multiple (RM) unit zones is to accommodate specific dwelling types and developments with similar characteristics, and to respond to locational issues regarding adjacent land uses; and

WHEREAS, commercial overuse of dwelling units particularly in residential-single (RS) unit zones, has been a chronic problem adversely impacting neighborhood quality, character, and livability incompatible with the purposes of the RS unit zones; and

WHEREAS, the commercial overuse of dwelling units particularly in RS unit zones, is more compatible with the dwelling types and developments with similar characteristics in higher density areas along North and South Avenue of the Town; and

WHEREAS, commercial overuse generally refers to a dwelling unit where two or more rooms are rented, individually or separately, to tenants under separate rental agreements, or where rooms are rented individually or separately, resulting in multiple, independent living units where tenants do not share common access or financial responsibility for use of the dwelling unit as a whole, which is typically referred to as a “boarding house;” and

WHEREAS, the Town wishes to establish a boarding house ordinance to address the chronic problem of commercial overuse of dwelling units particularly in RS unit zones, to preserve neighborhood quality, character, and livability, compatible with the purposes of RS unit zones, and to more appropriately locate rooming houses in neighborhoods with similar densities and characteristics compatible the use of a dwelling unit as a boarding house; and

WHEREAS, the Mayor and Town Council find that there is substantial interest in furthering the public health, safety, and welfare by controlling density, by protecting the residential character of areas designated for residential use, by implementing its Master Plan in promoting home ownership and providing appropriate housing stock to meet the needs of the Town and its residents,

by establishing and enforcing minimum life safety standards, and by preserving the housing market located within the Town.

NOW, THEREFORE, BE IT RESOLVED:

SECTION I. Article 2, “Definitions,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 2.05 Definitions: B.

- A. **BALCONY** — An exterior structure of wood, masonry, metal, stone, asphalt or other substance, without a roof, the floor level of which is elevated above ground level more than four feet and either supported by, attached to or accessible from the principal building or structure.
- B. **BASEMENT** — An interior space, or portion thereof, having a floor level below the average outside elevation of ground at the foundation wall of the building or structure in which it is contained, and having a floor to ceiling height of not less than 6.5 feet. A basement shall be considered as a story where the finished surface of the floor above the basement is:
 - More than four feet above the average grade elevation;
 - More than four feet above the finished grade for 50% or more of the total building perimeter; or
 - More than 10 feet above the finished ground level at any point.
- C. **BAY WINDOW** — An alcove of a room projecting from an outside wall and having its own windows, usually but not always having a floor.
- D. **BEDROOM** — A room within a dwelling unit which is used for sleeping on a regular basis, usually containing a bed or similar device for sleeping and usually equipped with a door for purposes of privacy.
- E. **BLOCK** — A group of platted lots facing one side of one street between two cross streets.
- F. **BOARD** — The Planning Board, Zoning Board of Adjustment, or Board of Architectural Review, as applicable.
- G. **BOARD OF EDUCATION ADMINISTRATIVE OFFICE USE** — Any use by the Board of Education of any property owned or leased by it for administrative offices provided such Board of Education use shall not include schools or other Board of Education uses which are treated separately in this ordinance, and further provided that such use shall not include any use of property owned or leased by the Board of Education and thereafter permitted to be used by others under leases or other arrangement for purposes other than accomplishing the Board of Education administrative functions.
- H. **BOARD OF EDUCATION USE, OTHER** — Any use by the Board of Education of any property owned or leased by it provided such Board of Education use shall not include schools or Board of Education administrative office uses which are treated separately in this ordinance, and further provided that such use shall not include any use of property

owned or leased by the Board of Education and thereafter permitted to be used by others or leased by others under leases or other arrangements for purposes other than accomplishing the Board of Education functions.

- I. BOARDING HOUSE — The term “boarding house” means a single-family residence or either unit of a two-family residential use (duplex) or any unit in a multi-family residence in which two or more rooms are rented individually or separately, to tenants under separate rental agreements (whether oral, written, or implied), for valuable consideration. Housing protected by federal or state law, including housing for persons protected under the Fair Housing Act, 42 U.S.C. § 3604(f) and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. or housing otherwise subject to the Town’s Affordable Housing Regulations, shall not constitute a boarding house. Additionally, foster children placed in a lawful foster family home, a hotel/motel, community residential home with six or fewer residents, a nursing home, or a residential care facility shall not be considered a boarding house.
- J. BOW WINDOW — A bay window which is rounded.
- K. BUILDING — Any structure equipped with a roof, supported by columns, pillars or walls, and designed for temporary or permanent occupancy.
- L. BUILDING EAVE HEIGHT — The vertical distance from the grade plane to the lowest point of the roof for gable, hip, gambrel, mansard, and flat roof types. The grade plane representing the average of finished ground level adjoining the building at all exterior walls.
- M. BULK AND LOT REGULATIONS — Regulations involving building height, yard dimensions, lot area, lot width, lot frontage, lot depth, lot coverage by buildings or structures or other improvements, floor area ratio and other regulations of the dimensions of buildings, structures, yards or lots.
- N. BUSINESS OR COMMERCIAL OFFICE — A business or commercial establishment which does not offer a product or merchandise for sale to the public on the premises, but which provides a service to patrons as its primary function. Notwithstanding the above, and notwithstanding the fact that products or merchandise may not be for sale to the public on the premises, establishments offering personal services, such as barber and beauty shops, or repair services, such as radio and television repair shops, and similar businesses shall not be included in this definition of business or commercial office.
- O. BUSINESS SERVICES — Services primarily rendered to other business establishments on a fee or contract basis rather than to the general public. Such services as advertising and mailing, building maintenance, employment services, management and consulting services, protection services, equipment rental and leasing, commercial research development and testing, and photo finishing are examples of business services.

SECTION II. Article 2, “Definitions,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 2.08 Definitions: F.

- A. **FACADE** — The exterior vertical surface of a building including ornamentation, windows, doors and overhangs.
- B. **FAMILY** — Any number of persons, whether related by blood, marriage or adoption or not and regardless of whether a consideration is involved, living together in a single dwelling unit as a single housekeeping unit, provided they are in compliance with the minimum space requirement per person as set forth in Article 12.
- C. **FAMILY DAY CARE HOME** — The private residence of a family day care provider which is registered as a family day care home pursuant to the Family Day Care Provider Registration Act.
- D. **FEE SIMPLE** — A form of ownership or real estate where the owner or owners are entitled to the entire property with unconditional power of disposition during life and which passes to heirs upon death pursuant to the intestacy laws or if there is a Will to the devisee by Will.
- E. **FENCE** — An artificially constructed freestanding barrier of wood, wire, metal or any other natural or combination of materials erected for the enclosure or screening of areas of land supported by posts or other similar devices placed in the ground.
- F. **FINAL APPROVAL** — The official action of the Board taken on a major subdivision or site plan which has received preliminary approval after all conditions, engineering plans and other requirements have been completed or fulfilled and the required infrastructure approval improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.
- G. **FINAL PLAT** — The final map of all or a portion of the subdivision which is submitted for final Board approval in accordance with this ordinance and which, if approved, shall be filed with the proper county recording officer and which complies with the Map Filing Law.
- H. **FINAL SITE PLAN** — The final site plan containing all changes required in the preliminary site plan approval.
- I. **FIRE ESCAPE** — An emergency egress from a building used for human occupancy, constructed to meet the requirements of the current construction code.
- J. **FLOOD PLAIN** — An area adjacent to a flood way as defined by the federal emergency management administration.
- K. **FLOOD WATER DETENTION OR RETENTION BASIN** — Any storm drainage control technique which retards or detains storm water runoff from land or buildings by the use of a containment device such as a chamber or basin.
- L. **FLOOD WAY** — The space contained within the banks of a stream or river as defined by the Federal Emergency Management Administration.
- M. **FLOOR AREA, GROSS (GFA)** — The floor area of all floors of a building or structure having floors and measured from the exterior surface of the exterior walls of the building or structure.
- N. **FLOOR AREA, HABITABLE** — The area of that portion of a building or structure designed, intended, heated, and furnished for year round human occupancy, measured on each floor from the building's exterior walls and including the full horizontal area of each floor of the building, regardless of whether or not an actual floor extends throughout it.

Habitable Floor Area shall not include that portion of a finished attic equal to not more than 1/3 the area of the floor below. Habitable Floor Area shall not include that portion of an attached unheated garage floor area as follows:

RS-6, RS-8 and RS-10 Zones: Up to but not exceeding 250 square feet;

RS-12, RS-16, RS-24, and RS-40 Zones: Up to but not exceeding 450 square feet.

[Amended 9-29-2009 by Ord. No. 1941]

- O. FLOOR AREA RATIO — The Floor Area Ratio (FAR) is the Habitable Floor Area of all buildings on the site compared to the total area of the site.

[Amended 9-29-2009 by Ord. No. 1941]

- P. FRONT — [Deleted 11-21-2006 by Ord. No. 1878]

- Q. FRONT YARD — See “yard, front.”

- R. FRONTAGE — See “lot frontage.”

[Amended 11-21-2006 by Ord. No. 1878]

SECTION III. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.10 RM-12 Single Family and Two-Family Residence District

- C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the RM-12 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Non-profit chartered membership organizations;
2. Residential-type public utility facilities;
3. Certain cellular telecommunications antennas as set forth in Article 18; and
4. Boarding houses.

SECTION IV. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.11 RM-8 Single Family and Two-Family Residence District

- C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the RM-8 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Houses of worship;
2. Public and private non-profit schools;
3. Board of Education administrative offices;
4. Non-profit chartered membership organizations;
5. Residential-type public utility facilities;
6. Certain cellular telecommunications antennas as set forth in Article 18; and
7. Boarding houses.

SECTION V. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.12 RM-6 Single Family and Two-Family Residence District

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the RM-6 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Houses of worship;
2. Non-profit chartered membership organizations;
3. Residential-type public utility facilities;
4. Certain cellular telecommunications antennas as set forth in Article 18; and
5. Boarding houses.

SECTION VI. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.13 RM-6D Single Family and Two-Family Residence District

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the RM-6D district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Non-profit chartered membership organizations;
2. Residential-type public utility facilities;
3. Certain cellular telecommunications antennas as set forth in Article 18; and
4. Boarding houses.

SECTION VII. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.20 P-1 Professional Office District

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the P-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Houses of worship;
2. Non-profit chartered membership organizations;
3. Residential-type public utility facilities;
4. Certain cellular telecommunications antennas as set forth in Article 18; and
5. Boarding houses.

SECTION VIII. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.21 P-2 Professional Office District

C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the P-1 district only if they comply with the appropriate regulations for such uses or structures in Article 18:

1. Houses of worship;
2. Non-profit chartered membership organizations;

3. Residential-type public utility facilities;
4. Certain cellular telecommunications antennas as set forth in Article 18; and
5. Boarding houses.

SECTION IX. Article 11, “Zone District Regulations,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 11.28 GB-3 General Business District

- C. Conditional uses and structures. The following conditional uses and structures shall be permitted in the GB-3 district only if they comply with the appropriate regulations for such uses or structures in Article 18:
1. Houses of worship;
 2. Non-profit chartered membership organizations;
 3. Gasoline filling stations and gasoline service stations;
 4. Public garages;
 5. Residential-type public utility facilities;
 6. Certain cellular telecommunications antennas as set forth in Article 18; and
 7. Boarding houses.

SECTION X. Article 18, “Conditional Uses,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 18.02 List of Conditional Uses, Zones Where Permitted.

The conditional uses indicated below shall be permitted only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this article, and only upon the issuance of an authorization therefore by the Planning Board or the Board of Adjustment, as applicable. The conditional uses and the zones in which they are permitted are limited to the following:

- A. Residential cluster development in the RS-40 zone district;
- B. Assisted living facilities in the RS-16 zone district;
- C. Limited child care homes in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8 and RS-6 zone districts;
- D. Houses of worship in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8, RS-6, RM-8, RM-6, P-1, P-2, GB-1, GB-2 and GB-3 zone districts;
- E. Public and private non-profit schools in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8, RS-6 and RM-8 zone districts;
- F. Board of Education administrative office uses in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8, RS-6 and RM-8 zone districts;
- G. Facilities of non-profit charter membership organizations and the offices of charitable organizations in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8, RS-6, RM-12, RM-8, RM-6, RM-6D, P-1, P-2, CBD, GB-1, GB-2, GB-3 and C zone districts;
- H. Gasoline filling stations and gasoline service stations in the GB-2, GB-3 and C zone districts;

- I. Public garages in the GB-2, GB-3 and C zone districts;
- J. Automatic car washes and drive-through lubricating establishments in the GB-2 and C zone districts;
- K. Automobile body repair shops and automobile painting facilities in the GB-2 and C zone districts;
- L. Lumber, building material and garden center sales in the C zone district;
- M. Residential type public utility facilities in all of the zone districts;
- N. Industrial type public utility facilities in the O-3 and C zone districts;
- O. Freestanding cellular telecommunications antennas in the O-2, O-3, C and GB-2 zone districts and roof-mounted cellular telecommunications antennas in the RM-12, RM-8, RM-6, RM-6D, RA-1, RA-2, RA-3, RA-4, RA-5A, RA-5B, P-1, P-2, O-1, O-2, O-3, C, GB-1, GB-2, GB-3 and C zone districts;
- P. Any use within the flood plain which is also a permitted use within the zone district for that location;
- Q. Age-restricted multi-family housing on the ground floor in the CBD zone district; and
- R. Boarding houses in the RM-12, RM-8, RM-6, RM-6D, P-1, P-2, and GB-3 zone districts.

SECTION XI. Article 18, “Conditional Uses,” of Chapter LUL, “Land Use Ordinance,” of the Town Code shall be and is hereby amended as follows:

§ 18.23 Boarding Houses

Boarding houses are permitted in the RM-12, RM-8, RM-6, RM-6D, P-1, P-2, and GB-3 zone districts only if all the following requirements are complied with:

- A. Single-family residences and two-family residences used as boarding houses, and any unit used as a boarding house in a multi-family residence, may not subdivide existing rooms.
- B. All boarding houses shall be owner-occupied, and the boarding house must be the primary residence of the owner.
- C. Exterior signage shall not be permitted.
- D. Applicants must adhere to the application process set forth in Chapter 38.

SECTION XII. The Town Code shall be and is hereby amended to establish a new Chapter thereof, to be known as Chapter 40, entitled “Rooming and Boarding Houses,” as follows:

§ 40-1 Purpose

The purpose of this chapter is to license rooming and boarding houses, as authorized by N.J.S.A. 55:13B-1, as amended.

§ 40-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

LICENSING AUTHORITY — The Rooming and Boarding House Site Licensing Board.

OPERATOR — Any person, including for the purposes of this chapter any corporation or association of persons and any agency or instrumentality of state or local government, which operates or proposes to operate a rooming or boarding house.

OWNER — The holder of title in fee simple to premises and any lessor or sublessor of whom an operator is, or proposes to become, a sublessor in connection with an application for a license or for renewal thereof, pursuant to this act.

ROOMING or BOARDING HOUSE — Reference is made to the definition of “Boarding House” as stated in Chapter 2, the Land Use Law, Article 2.05(I).

§ 40-3. Licensing Requirement

No rooming or boarding house shall hereafter be located or operated except upon premises licensed for that purpose by the licensing authority.

§ 40-4. Application for License

- A. Application for a license shall be made by the owner and filed with the Municipal Clerk. The application shall be in such form and shall contain such information as is authorized by the enabling legislation and shall be accompanied by an application fee of \$200 or such fee as may be prescribed by resolution of the licensing authority. The licensing authority shall require the submission of such information and supporting documentation, as to provide a basis upon which the licensing authority may conduct an investigation and reach the conclusions required under the enabling legislation for the issuance or denial of a license. Such documentation shall include a floor plan containing dimensions of all rooms within the proposed boarding house. The licensing authority shall require that information required from the operator be duly sworn to by the operator in order to form a valid part of the application.
- B. An application filed pursuant to Subsection A of this section shall include a deposit in full of the prescribed application fee, of which 90% shall be refunded if the application is denied and 10% retained and employed in defraying the expenses of the licensing authority in carrying out its functions under this chapter.
- C. All applications by a natural person, partnership or unincorporated association of natural persons shall be duly sworn to by each of the applicants. An application by a corporation shall be duly sworn to by the president or vice president of the corporation. All statements in an application shall be deemed material, and any person who knowingly misstates any material fact therein shall be guilty of a crime of the fourth degree.
- D. Every applicant for a license shall, after filing the application, cause notice of the pendency of the application to be published in a form prescribed by the licensing authority once a week for two weeks successively in a newspaper printed in the English language, published and circulated in Union County. The notice shall include the time and place of the public hearing prescribed in § 40-6 of this chapter, and the second publication thereof shall be made not less than one week, nor more than two weeks, prior to the date set by the licensing authority for that hearing.
- E. No license shall be issued which would result in increasing the total number of persons authorized to be residents in rooming or boarding houses within the municipality to more than 100 in the Town of Westfield, which presently has a population of 20,000 or more. Nothing in this subsection shall warrant refusal of a license or license renewal for premises

where a rooming or boarding house has been in lawful operation prior to the enactment of this chapter.

- F. No license shall be issued for premises when any part of the boundary line of the premises is within 1,000 feet of the boundary line of any other premises for which a license is in force. Nothing in this subsection shall warrant refusal of a license or license renewal for premises where a rooming or boarding house has been in lawful operation prior to the enactment of this chapter.

§ 40-5. Investigation of Premises, Owners, and Operators

It shall be the duty of the licensing authority to receive applications made pursuant to § 40-4 of this chapter and to conduct such investigations as may be necessary to establish:

- A. With respect to the premises for which a license is sought: (1) that they are in compliance with all applicable building, housing, health and safety codes, and other regulations; (2) that the location of the premises will not, in conjunction with the proximity of other rooming and boarding houses, lead to an excessive concentration of such facilities in the municipality or a particular section thereof.
- B. With respect to the owner or owners of the premises: (1) if a natural person or persons, that he or they are 21 years of age or older, citizens of the United States and residents of the State of New Jersey and never convicted, in this state or elsewhere of a crime involving moral turpitude, or of any crime under any law of this state licensing or regulating a rooming or boarding house and have never had a license required pursuant to, N.J.S.A., 55:13B-1, et al.) revoked; (2) if a corporation, that all officers and members of the board of directors and every stockholder holding 10% or more of the stock of the corporation, directly or indirectly having a beneficial interest therein, have the same qualifications, as set forth in this subsection for an applicant, who is a natural person.
- C. With respect to the operator or proposed operator, that he or she meets the requirements for licensure by the Department of Community Affairs.
- D. That the owner and operator, either individually or jointly, have established sufficient guarantee of financial and other responsibility to assure appropriate relocation of the residents of the rooming or boarding house to suitable facilities in the event that the license is subsequently revoked or its renewal denied. The Department of Community Affairs shall determine, in the case of each type of rooming and boarding house under its jurisdiction, what constitutes suitable facilities for this purpose.

§ 40-7. Term of License; Application for Renewal

- A. After the public hearing, pursuant to § 40-6 of this chapter, the licensing authority shall determine, in accordance with the requirements hereunder, whether to grant the license. A license, when issued, shall be valid for one year from the date of issuance and until such time as the licensing authority has acted upon an application for renewal, unless sooner terminated by revocation pursuant to the terms of this chapter.
- B. Not later than the 60th day preceding the anniversary date of issuance, the holder of a license shall make application to the licensing authority for its renewal. Application for a renewal shall follow the same procedure and requirements as prescribed for a new application and shall necessitate de novo consideration and determination by the licensing authority in the same manner as a new application.

§ 40-8. Revocation of License

- A. The licensing authority may revoke a license granted under this chapter for any of the following reasons:
- (1) A finding that there was any misstatement of material fact in the application upon which the license was issued.
 - (2) The occurrence of any fact which, had it occurred and been known to the licensing authority before issuance of the license, would have resulted in the denial of the application.
 - (3) Repeated violations or prolonged failure to correct any violation of any applicable building, housing, health or safety code or regulations.
 - (4) Refusal to allow access to any portion of the licensed premises at all reasonable times, with or without advance notice, in order that officers or agents of the licensing authority or any official charged with enforcement within the municipality of any building, housing, health or safety code or regulations applicable to the premises, may determine compliance with such codes or regulations.
 - (5) Revocation by the Department of Community Affairs of the operator's license or other authorization to operate a rooming or boarding house on the premises.
 - (6) Notification by the Department of community Affairs that the premises are not or are no longer suitable for operation of a rooming or boarding house on the premises.
 - (7) Failure or refusal to comply with any lawful regulation or order of the licensing authority.
- B. A license shall not be revoked until five days' prior notice of the grounds therefore has been served upon the licensee, either personally or by certified mail, addressed to the licensee at the licensed premises, and a reasonable opportunity given to the licensee to be heard thereon.

§ 40-9. Appeal

Upon determination by the licensing authority to refuse the granting or renewal of a license or to revoke a license, the licensee affected shall be entitled to appeal to the Commissioner of Community Affairs for a review of that determination; and the Commissioner shall have authority to reverse the licensing authority's determination if it concludes that the application was improperly denied or the revocation improperly imposed. Such review by the Commissioner shall be in conformity with the provisions of the Administrative Procedure Act, N.J.S.A. 52:14B-1, et seq. The decision of the Commissioner in such cases shall be subject to appeal to the Appellate Division of the Superior Court. If an applicant for license renewal has made timely and sufficient application for a renewal, in accordance with the provisions of this chapter and the rules of licensing pursuant thereto, his license shall not expire until any appeals under this section have been finally determined and disposed of.

SECTION XIII. Article III, "Town Boards and Commissions," within Chapter II, "Administration," of the Town Code shall be and is hereby amended and supplemented to establish a new Division thereof, to be known as Division 10, entitled "Rooming and Boarding House Site Licensing Board," as follows:

Division 10. Rooming and Boarding House Site Licensing Board.

Sec. 2-45 Establishment.

The Town of Westfield Rooming and Boarding House Site Licensing Board is hereby established within the Town, pursuant to N.J.S.A. 40:52-10, et seq.

Sec. 2-46 Purpose.

The purpose of the Rooming and Boarding House Site Licensing Board is to review and consider applications for licensing of rooming and boarding houses.

Sec. 2-47 Composition.

The Rooming and Boarding House Site Licensing Board shall be composed of three (3) members, no more than two (2) of whom may be of the same political party to be appointed by resolution of the Mayor and Town Council. Members shall serve for terms of three (3) years and until their successors are appointed and qualified into office, except that of the initial three (3) appointments, one shall be for a term of one (1) year and one for a term of two (2) years. Members of the Town Council shall be eligible for appointment to the board. Members of the board shall receive no salaries but shall be entitled to reimbursement for actual expenses necessarily incurred in the performance of their duties as members. Members may be removed by the appointing authority for cause. They shall not be subject to the provisions of Title 11A, "Civil Service," of the New Jersey Statutes.

Sec. 2-50 Rules of Procedure; Meetings.

The Rooming and Boarding House Site Licensing Board shall establish Rules of Procedure, which shall be submitted to the Mayor and Council for adoption by Resolution. Once adopted, the Rules of Procedure shall be filed with the Town Clerk.

The Rooming and Boarding House Site Licensing Board shall meet on an as-needed basis. There shall be a quorum required to act at board meetings, which is a majority of the full, regular members of the board.

All Rooming and Boarding House Site Licensing Board meetings shall be subject to the New Jersey Open Public Meetings Act, including the requirement of posting and notification of all meetings. Minutes of all meetings shall be maintained, and board approved minutes shall be submitted to the Town Clerk for appropriate record keeping.

Sec. 2-51 Powers and Duties.

In carrying out its functions and duties, the Rooming and Boarding House Site Licensing Board shall be entitled to call to its assistance and avail itself of personnel and facilities of the municipal government as it may require and as may be made available to it for that purpose.

The Rooming and Boarding House Site Licensing Board shall have all powers and duties not specifically stated herein that are granted to it under N.J.S.A. 40:52-10, et seq.

SECTION XIV. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION XV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION XVI. This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2178

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN
OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS**

WHEREAS, by Ordinance 2063, adopted by the Town Council on July 12, 2016, the Mayor and Town Council of the Town of Westfield (the “Town”) adopted certain regulations related to the erection and operation of solar energy systems in all zone districts in the Town of Westfield; and

WHEREAS, the Mayor and Town Council deem it necessary and appropriate to make certain changes and additions to that ordinance, both in order to encourage clean energy uses in the Town of Westfield, and to reduce the visual impacts of solar energy systems throughout the Town;

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Section 13-07, Chapter 13, of the Land Use Ordinance of the Town of Westfield, shall be and is hereby deleted in its entirety and replaced with the following Section 13-07, as follows:

A. Intent. The purpose of this section is to provide a regulatory framework for the construction and operation of solar energy systems in the Town of Westfield, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also minimizing the visual impact of solar energy systems and maintaining the character of the Town of Westfield. This section permits, as an accessory use, solar energy systems in all zone districts in the Town of Westfield, subject to the criteria set forth in this section.

B. Definitions.

1. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS** — A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems shall include photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, and skylights.
2. **FLUSH-MOUNTED**— A Solar energy system or solar panel which is installed no greater than six inches from the roof and is installed at the same angle as the roof surface.
3. **CHARACTER-DEFINING ROOF FEATURES** – Visual aspects and physical elements of a roof that contribute to the overall appearance of a building. Examples of

character-defining roof features include cornices, dormers, towers, finials, and cresting.

4. GROUND MOUNTED SOLAR ENERGY SYSTEM — Systems which are not mounted on existing structures.
 5. PUBLIC VIEW — The view by the public of a building from any point on a street or walkway which is used as a public thoroughfare, either vehicular or pedestrian.
 6. ROOF MOUNTED SOLAR ENERGY SYSTEM — A solar energy system consisting of solar collectors that are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed.
 7. SOLAR COLLECTOR — A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.
 8. SOLAR COLLECTOR SURFACE — Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
 9. SOLAR ENERGY — Radiant energy received from the sun at wavelengths suitable for conversion into thermal or electrical energy.
 10. SOLAR ENERGY SYSTEM — Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.
 11. SOLAR MOUNTING DEVICE — Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
 12. SOLAR PRODUCTION RATIO, OR “SPR” – The ratio between how much power a solar power system is estimated to produce in relation to the size of the system.
Production ratio = year 1 production estimate / system size (Watts).
 13. STREET FACING FACADE — Any building wall along a front yard or street side yard.
 14. STREET FACING ROOF PLANE — A roof plane or planes which is/are located between the roof ridge and street facing facade or facades of a building.
- C. Applicability. This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirement of this section, provided however, that any upgrades, modifications, or changes that alter the size or placement of existing solar energy systems shall

comply with the provisions of this section.

D. Permitted accessory use. Solar energy systems shall be allowed as an accessory use in all zone districts, subject to the requirements set forth within this section.

E. General regulations.

1. Height.

a. Roof-mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted.

(1) For roof-mounted solar energy systems installed on a sloped roof, the system must be flush mounted. In no instance shall it extend above the ridge of a peaked roof.

(2) For roof-mounted solar energy systems installed on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.

b. Ground-mounted solar energy systems shall not exceed four feet in height.

2. Setbacks and location.

a. Roof-mounted solar energy systems shall not extend horizontally past existing rooflines. Exterior piping associated with the roof-mounted solar energy system shall be allowed to extend beyond the perimeter of the building on any facade of an accessory structure, and on all but any street-facing facade or roof plane of a principal structure.

b. Ground-mounted solar energy systems shall be located in the rear yard only and shall meet the setback requirements set forth in § 13.01G.

c. Wall-mounted solar energy systems shall meet the required setbacks for the structure onto which they are mounted.

d. Street-facing Solar energy systems.

(1) Solar energy systems may be located on street-facing roof planes or street-facing facades if they comply with the following in addition to the above requirements:

(i) The applicant presents the certification of a professional engineer or other individual deemed qualified by the Zoning Officer that no other solar energy system array on the property, other than a front-facing solar array, will generate an SPR of at least 1. The professional engineer's certification must include the SPR calculation for each roof plane on which a solar energy system

array could be erected; and

(ii) The solar panels must be flush mounted to the roof; and

(iii) The solar energy system does not interfere with character-defining roof features; and

(iv) The color of any solar collector or solar collector device, trim and any visible mounting hardware must closely match the color of adjacent roofing material; and

(v) No wiring, cables, conduit, etc., may travel from the front-facing roof to any front façade of the structure.

(2) The requirements (i) through (v) above shall also apply to the side street of a corner lot; however, these requirements shall not apply to solar energy systems mounted on accessory structures located within rear yard areas, nor shall they apply to building integrated solar energy systems.

(3) No solar energy system shall be located on street-facing roof plane or street-facing facade if an SPR of at least 1 can be generated by installation of a solar energy system array on a non-street facing roof plane or non-street facing façade.

(4) An applicant may appeal a denial of the Building Department to allow solar panels on a street-facing roof or facade to the Zoning Board of Adjustment.

(5) No street facing solar energy system may be located on street-facing roof planes or street-facing facades on any principal or accessory structure that has been designated, pursuant to the Historic Designation and Preservation Ordinance of the Town of Westfield, LUL Appendix III, as a historic landmark or is within a historic district.

3. Coverage. Ground-mounted solar energy systems shall be subject to the coverage requirements in 13.01H.

4. Visibility. It is the intent of this section to reduce the visual impacts of solar collectors and solar mounting devices.

5. Solar collectors mounted on flat roofs shall be mounted behind a building parapet below the line of sight from the nearest edge of the right-of-way(s) adjacent to front- and street-side yards.

6. Glare.

a. Solar collectors shall be oriented and/or screened so that any glare is directed away from any adjoining properties and streets.

- b. All solar collectors shall be located so as to not create any additional heat load upon adjoining properties.
- 7. Prohibition of advertising. A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials.
- F. Additional submission requirements. In addition to the application requirements in all applicable construction codes and the Town Land Use Ordinance, all applications for solar energy systems shall be accompanied by a property survey showing the proposed location or locations of the solar energy system and distance from property lines. In addition, photographs showing the property from the public view, and the location of the proposed solar energy system, must be submitted so as to determine compliance with the visibility and other provisions of this ordinance.
- G. Right to require removal. The Town of Westfield expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained or which poses an imminent safety hazard.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2180**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD IN REGARD TO WALL-MOUNTED SIGNS FOR CORNER LOTS**

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. The Town Council of the Town of Westfield does hereby find that a recommendation contained within the Master Plan Reexamination Report prepared by H2M Associates and adopted by the Planning Board of the Town of Westfield by Resolution dated January 6, 2020 to review the Town sign ordinance is necessary. The Town Planner has identified an existing deficiency in the sign ordinance pertaining to wall-mounted signs for non-residential uses on the ground floor of corner lots which can be immediately rectified. For corner lots, existing ordinance language prohibits a wall mounted sign on a street facing wall which does not have a main public entrance, whereas the intent of the sign ordinance is to allow for a wall-mounted sign on each building wall which has a street frontage. The Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein.

SECTION II. Article 16, Section 16.04E1 titled “Wall-mounted signs.”, is hereby amended to read as follows:

1. Main Entrance Signs. One (1) wall sign at the main public entrance, regulated as follows:
 - a. The sign shall be located on the wall or awning at the main public entrance.
 - b. The height of the sign shall not exceed the height of the ground floor, or seventeen (17) feet, whichever is less.
 - c. The horizontal dimension of the sign shall not exceed twenty (20) feet, or seventy-five percent (75%) of the width of the building frontage occupied by the use, whichever is less.
 - d. The vertical dimension of the sign shall not exceed two and one-half (2½) feet (30 inches).
- 1.1 Signs on corner lots. In the event the building is located on a corner lot and fronts on two (2) or more intersecting streets, additional wall mounted signs shall be permitted in addition to the sign(s) permitted in E.1 above, regulated as follows:
 - a. One (1) wall mounted sign shall be permitted on each additional wall which has a direct street frontage.

- b. The height of the sign shall not exceed the height of the ground floor, or seventeen (17) feet, whichever is less.
- c. The horizontal dimension of the sign shall not exceed twenty (20) feet, or seventy-five percent (75%) of the width of the building frontage occupied by the use, whichever is less.
- d. The vertical dimension of the sign shall not exceed two and one-half (2½) feet (30 inches).

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
GENERAL ORDINANCE NO. 2181**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD IN REGARD TO THE DEFINITION OF ACCESSORY BUILDING OR
STRUCTURE**

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. The Town Council of the Town of Westfield does hereby find that a recommendation contained within the Master Plan Reexamination Report prepared by H2M Associates and adopted by the Planning Board of the Town of Westfield by Resolution dated January 6, 2020 to remove the term “private summer house” from the definition of Accessory Building or Structure as it implies that accessory structures can contain a dwelling unit, is necessary. Pursuant to Article 13, Section 13.01J of the Town Land Use Ordinance no accessory buildings or structures may be used as a dwelling unit. The Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein.

SECTION II. Article 2, Section 2.04 titled “DEFINITIONS; A”, is hereby amended by modifying the existing definition at subsection D for Accessory building or structure, to read as follows:

D. **Accessory building or structure.** A building or structure occupied or devoted exclusively to an accessory use on the same lot with and subordinate to a principal building or structure. More particularly, but not by way of limitation, an accessory building or structure in a residential zone shall be construed to include a deck, detached private garage; private greenhouses; private sheds; gazebos; other private roofed structures; private swimming pool; private tennis court; private racquet ball, private platform tennis, private paddle ball, or private handball court.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2182**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD IN REGARD TO DIMENSIONS OF GARAGED PARKING SPACES**

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. The Town Council of the Town of Westfield does hereby find that a recommendation contained within the Master Plan Reexamination Report prepared by H2M Associates and adopted by the Planning Board of the Town of Westfield by Resolution dated January 6, 2020 to require a set dimension for garaged parking spaces, is necessary. It is common that home renovation projects often result in an expansion of living space into existing attached garage space. The Town has historically allowed this encroachment provided that a car can still be accommodated in the garage, but a definitive, required dimension for an internal garage space is lacking in the ordinance. The Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein, which adds the term “including garaged parking spaces” to existing language in Article 17, Section 17.04A of the Land Use Ordinance.

SECTION II. Article 17, Section 17.04A titled “Minimum parking space dimensions”, is hereby amended to read as follows:

A. Minimum parking space dimensions. Parking spaces, including garaged parking spaces, shall be designed to provide a rectangular area with the following minimum dimensions, which shall exclude any roadway, driveway or access aisle adjacent to the space. Parking spaces for persons with disabilities shall be in accordance with the New Jersey Uniform Construction Code or the Americans with Disabilities Act, as applicable. (RSIS)

Type of Space	Space	Space
	Width	Depth
No curb overhang	9'	20'
With 2' curb overhang (90° angle only)	9'	18'
Parallel to aisle	8'	23'

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION V. This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2183

**AN ORDINANCE ESTABLISHING
A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE
DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND
HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD**

**ORDINANCE TO BE AMENDED-PUBLIC HEARING WILL NOT BE
HELD**

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2184

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD,
CHAPTER 13 (Mid-Block Crosswalks)**

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I.

- 1. Article IX – “Mid-Block Crosswalks”, Section 13-60 – “Establishment”** of the Town Code shall be changed by adding the following language in its entirety:

Name of Street	Location
Park Drive	Beginning at a point 530 feet west of the westerly curbline of East Broad Street and extending 8 feet westerly therefrom. In accordance with Title 39, Section 39:4-138.6 parking restrictions at this location are hereby reduced to 10 feet on the easterly approach, with no restriction on the westerly approach.
Park Drive	Beginning at a point 977 feet west of the westerly curbline of East Broad Street and extending 8 feet westerly therefrom
Park Drive	Beginning at a point 234 feet south of the southerly curbline of North Euclid Avenue and extending 8 feet southerly therefrom
Park Drive	Beginning at a point 354 feet east of the easterly curbline of Mountain Avenue and extending 8 feet easterly therefrom

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION III. In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION IV. This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2185

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD,
CHAPTER 13 (Fourth Avenue Parking Restrictions)**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) is charged with establishing and maintaining safe passage and safe conditions within the Town; and

WHEREAS, the Mayor and Town Council have therefore determined that an ordinance modifying where and when vehicles may park in the Town is in the best interests of the health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Section 13-20, Chapter 13, “Motor Vehicles and Traffic,” of the Town Code shall be and is hereby amended by the addition of the following:

Name of Street	Side	Location
Fourth Avenue	South/West	Between its intersection with the northerly curb of South Chestnut Street and the southerly curb of Salter Place.

SECTION II. Section 13-53, Chapter 13, “Motor Vehicles and Traffic,” of the Town Code shall be and is hereby amended by the addition of the following:

(d) Marking of spaces in residential parking lots. Parking spaces in unmetered lots shall be marked by lines in the street, on the pavement or on the curb to indicate or set off the space within which a vehicle may be parked. It shall be unlawful to place or park a vehicle across or beyond any such parking line or beyond such parking mark.

(10) Southerly side of Fourth Avenue, between its intersection with the southerly side of South Chestnut Street until the intersection with Salter Place.

SECTION III. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION IV. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$13,556.00 to the TREASURER, STATE OF NEW JERSEY for the first quarter Construction Official's State permit fees for 2020.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of \$12,520.00 to the TREASURER, STATE OF NEW JERSEY for the second quarter Construction Official's State permit fees for 2020.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton , New Jersey 08625-0802.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11 2020

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

Robert Saunders	Lot 8	#20080180	\$250.00
241 North Avenue			
Westfield, NJ 07090			

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, the following applicants have posted monies to be held in escrow to cover expert advice and testimony in connection with Board of Adjustment and Planning Board applications on said property; and

WHEREAS, expert advice and testimony was given, and

WHEREAS, all bills for these applications have been submitted and paid; and

WHEREAS, the applicant has requested in writing to have the balance of escrow monies be released to them;

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer is authorized to draw a check for the balance of the escrow monies as follows:

App #	Name	Address	G/L	Refund Balance
BOA 20-26	Tamar Eckstein	15 North Cottage Place	0-05-560-813	\$250.00
Return to:	Tamar Eckstein	15 North Cottage Place	Westfield NJ	07090

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$32.40 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of July 2020.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Mr. Jonathan Garcia
272 Delaware Ave.
Union, NJ 07083

Amount of refund: \$975.00

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED, that the Town Treasurer be authorized to refund the following fees to the following individual:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Christopher Ropiak 1309 Rahway Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Family 4 or less Christopher Ropiak Family	\$420.00
Chrissy Booher 200 E Dudley Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Family of 5 or more Booher Family	\$520.00
Maggie Coyne 309 Ayliffe Ave Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Resident/Individual Maggie (Marjorie) Coyne	\$195.00
Michael MacFarlane 862 Nancy Way Westfield, NJ 07090	Tennis/Rec T-05-600-071	Pickleball/Summer Session 2 / Aug 24-27 James MacFarlane	\$110.00
Matt Kovalakides 732 St Marks Ave Westfield, NJ 07090	Tennis/Rec T-05 -600-071	Playground 2020 Refund/Washington School Bennett Kovalakides	\$195.00
Lindsay Cuffaro 232 Clark Street Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/Franklin School Alannah Cuffaro	\$195.00
Cara Sluberski 641 Norwood Drive Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/Tamaques School (\$215.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00) Refund/Extra T-Shirt (\$5.00)	\$283.00
Jillian Brand 204 Lenox Ave Apr #1 Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/Washington School (\$195.00) Refund/Kidoolo (\$37.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00)	\$295.00

Barbara St. John 112 S Scotch Plains Ave Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund/McKinley (\$195.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00) Refund/Extra T-Shirt (\$5.00)	\$263.00
Kyle Richards 407 Park St Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund McKinley (\$195) Refund/Kidoolo (\$37.00) Refund/Extra T-Shirt (\$5.00)	\$237.00
Ken Comandatore 58 Summit Ct Westfield, NJ 07090	Tennis/Rec T-05-600-071	Playground 2020 Refund Jefferson (\$195) Refund/Kidoolo (\$37.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00) Matthew Comandatore Refund/Jefferson (\$195.00) Refund/Kidoolo (\$37.00) Refund/Bowling (\$33.00) Refund/Gagasphere (\$30.00) Nicholas Comandatore	\$590.00
Lisa Quackenbush 744 Tamaques Way Westfield, NJ 07090	#195 Membership Refund 9-03-55-920-202	Pool Membership 2020 Non-Resident/Couples Membership Adric and Jacque Quackenbush	\$573.00

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier		Quarter/Year
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
2909/11.0103	540 Coddling Road	3 rd /2020
Dushak, Eduard & Lerman, Svetlana		<i>\$4,913.41</i>

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2016-2019 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
301/4	29 Barchester Way	2019	<i>\$840.65</i>
Raiff, Marc H & Pamela C			

404/5	420 Quantuck Lane	2019	<i>\$602.00</i>
Greene, David A & Silvana			

Checks payable and mail to:

Ventura Miesowitz et al Trust Account
Ventura, Miesowitz, Keough & Warner
783 Springfield Avenue
Summit, New Jersey 07901-2332

2003/6.02	102 Golf Edge	2019	<i>\$5,921.10</i>
Weldon, Robert F, III & Maria L			

3116/10	138 Central Avenue	2016	<i>\$2,857.80</i>
Dair Realty LLC & Winwest Central		2017	<i>\$4,708.28</i>
Check payable and mail to:		2018	<i><u>\$5,327.37</u></i>
Blau & Blau Attorney for Dair Realty LLC & Winwest Central			<i>\$12,893.45</i>

3113/20	217 Elmer Street	2016	<i>\$3,638.93</i>
Berse Realty, LLC		2017	<i>\$3,723.74</i>
Check payable and mail to:		2018	<i><u>\$3,747.80</u></i>
Michael A. Vespasiano, Attorney Trust Account			<i>\$11,110.47</i>
Law Office of Michael A. Vespasiano			
331 Main Street			
Chatham, NJ 07928			

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, a need exists for the purchase and installation of playground equipment for Sycamore Park; and

WHEREAS, Ben Shaffer Recreation Inc. P.O. Box 844, Lake Hopatcong, NJ 07849, has submitted a cost proposal for this purchase in the amount of \$66,388.02; and

WHEREAS, Ben Shaffer Recreation Inc. is authorized to offer playground systems, installation, service and related items through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through the Union County Open Space, Recreation and Historic Preservation Trust Fund, Kids Recreation Trust Grant in the amount of \$30,000 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of \$36,388.02 to be charged to the Park Improvement Trust Fund (T-05-600-076) and \$30,000.00 to be charged to Kids Recreation Trust Fund Grant (0-01-55-900-232) under PO #20-02472 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an award of contract to Ben Shaffer Recreation for the purchase and installation of playground equipment for Sycamore Park through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$10,000.00, which is now available from Sustainable Jersey Grant – Gardinier Environmental Fund; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Sustainable Jersey – Gardinier Environmental Fund	\$10,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$52,400.00, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – Kids Recreation Trust grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Kids Recreation Trust Fund	\$52,400.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for an equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$5,000.00, which is now available from the Union County Open Space, Recreation and Historic Preservation Trust Fund – 2019 Greening Union County grant; and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
2019 Greening Union County grant	\$5,000.00

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, by resolution 138-2020, adopted June 30, 2020, \$5,620.01 was added as an item of revenue and appropriation via N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948), from the Division of Criminal Justice for Body Armor, and

WHEREAS, it was subsequently determined that this resolution was a duplicate of Resolution 292-2019, adopted December 10, 2019;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests that the Director of the Division of Local Government Services rescind the duplicate resolution for the budget year 2020 in the sum of \$5,620.01.

BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068 submitted a proposal to perform such services outlined for two percent (2%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant.

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Brown and Brown, 56 Livingston Avenue, Roseland, NJ 07068, in the sum of \$11,663.32 representing the first half of the annual assessment.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

BE IT RESOLVED, that the Treasurer of the Town of Westfield be and he is hereby authorized and directed to draw the necessary 3rd & 4th quarterly assessment warrants and issue same to the County of Union, via wire transfer, as follows:

	County Purpose Tax	Open Space Tax
2020 3 rd Quarter	\$9,590,194.90	\$305,117.01
2020 4 th Quarter	9,590,194.90	305,117.00

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

RESOLVED that the Chief Financial Officer is hereby authorized to issue warrants noted below to the order of the Downtown Westfield Corporation, for Special District Taxes as provided in the year 2020 budget:

August 11, 2020	\$104,086.75
November 2, 2020	\$104,086.75

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

RESOLUTION NO. 2020-

**CODE REVIEW AND
TOWN PROPERTY COMMITTEE**

AUGUST 11, 2020

RESOLUTION DESIGNATING AN AREA OF THE TOWN OF WESTFIELD, AS MORE PARTICULARLY DESCRIBED HEREIN, AS “AN AREA IN NEED OF REDEVELOPMENT”, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on March 10, 2020, the Mayor and Council adopted Resolution Number 78-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties:

Block	Lot	Street Address
2502	14	630 North Avenue West
2506	1	526 North Avenue West
2508	11	601-613 North Avenue West

as identified on the Official Tax Map of the Town of Westfield (the “**Study Area**”) to determine if such properties qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, et seq. (the “**Redevelopment Law**”); and

WHEREAS, the Planning Board retained the services of professional planning firm Topology (“**Topology**”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Lord & Taylor Sites, Westfield, NJ*” (the “**Redevelopment Investigation Report**”); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria d and h under Section 5 of the Redevelopment Law, *N.J.S.A.* 40A:12A-5, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on July 20, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson's testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

RESOLUTION NO.

**CODE REVIEW AND
TOWN PROPERTY COMMITTEE**

AUGUST 11, 2020

**RESOLUTION DESIGNATING AN AREA OF THE TOWN OF WESTFIELD, AS
MORE PARTICULARLY DESCRIBED HEREIN, AS “AN AREA IN NEED OF
REDEVELOPMENT”, PURSUANT TO THE LOCAL REDEVELOPMENT AND
HOUSING LAW**

WHEREAS, on March 10, 2020, the Mayor and Council adopted Resolution Number 78-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether certain real property, specifically Block 3107, Lot 1, located at 244-254 East Broad Street (the “**Study Area**”) qualifies as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “**Redevelopment Law**”); and

WHEREAS, the Planning Board retained the services of professional planning firm Topology (“**Topology**”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

WHEREAS, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Block 3107, Lot 1, Westfield, NJ*” (the “**Redevelopment Investigation Report**”); and

WHEREAS, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria a, b, d and h under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

WHEREAS, on July 20, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

WHEREAS, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

WHEREAS, based upon the Redevelopment Investigation Report, Mr. Abramson’s testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and

concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as an area in need of redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condemnation Redevelopment Area, pursuant to the Redevelopment Law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2183

**AN ORDINANCE ESTABLISHING
A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE
DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND
HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD**

§ 1. SHORT TITLE AND INDEX.

- A. Title. This Ordinance shall be known as and may be cited as "Historic Designation and Preservation Ordinance of the Town of Westfield."

- B. Index.

Short Title and Index

Findings, Purpose, and Policy

Definitions

Historic Preservation Commission

Designation of Landmarks and Historic Districts

Certification of Appropriateness

Procedures for Filing an Application

Standards of Consideration

Effect of Certificate of Appropriateness Approval, Denial, Appeal

Special Requirements for Demolition

Penalties

Preventive Maintenance

Permit Review

Designated Historic Landmarks

Designated Historic Districts

Repeal

Severability

Effective Date

§ 2. FINDINGS, PURPOSE, AND POLICY.

- A. The Town Council of the Town of Westfield ("Town") finds and determines as follows:

1. The historical, cultural, architectural, and social heritage of the Town of Westfield is given in trust from generation to generation to be used, enriched, and then passed on;
 2. The character, lifestyle, and very quality of life in the Town of Westfield depends in great measure upon the Town protecting this heritage of the past;
 3. The ongoing presence of historic districts and landmarks, as an essential element of municipal character and identity, is an important factor in the economy of the municipality and the property values therein;
 4. Such historic districts and landmarks are vital to the education and civic mindedness of the Town's young people;
 5. A number of critical factors such as deterioration, demolition, redevelopment, and re-subdivision threaten such landmarks and districts; and
 6. The welfare of the municipality is enhanced by the preservation of its historic heritage for the reasons set forth above.
- B. The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-65.1, permits municipalities to adopt a zoning ordinance that designates and regulates historic landmarks or historic districts and provides design criteria and guidelines therefor.
- C. It is therefore determined that there is a special public interest in the preservation of this heritage which requires the designation and regulation of historic districts and historic landmarks as provided in this ordinance, which public interest has been recognized by the State of New Jersey in N.J.S.A. 40:55D-2(j) and N.J.S.A. 40:55D-65(i).
- D. In adopting this Ordinance, it is the intention of the Town Council to designate and regulate historic landmarks and historic districts within the Town consistent with and pursuant to authority granted under the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1, *et seq.* In accordance with provisions therein (N.J.S.A. 40:55D-107), this Ordinance provides for creation of an agency that can assist the Town in establishing a system of preventive regulation, based on a rational plan and objective, which will complement existing land use and construction code legislation. The controls herein established are compatible with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and are responsive to the Historic Preservation Plan Element of the Town of Westfield Master Plan and the applicable provisions of the MLUL, including but not limited to N.J.S.A. 40:55D-2(j), 40:55D-28(b)(10), 40:55D-65(i), 40:55D-65.1, and 40:55D-107 through -112.
- E. Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with requirements of any other state statutes or municipal Ordinances or regulations.
- F. In the event of any inconsistency, ambiguity, and/or overlapping of requirements promulgated by the municipality, the more restrictive requirement shall apply.

- G. This Ordinance should not be construed as requiring or prohibiting the use of any particular architectural style; rather, the purpose is to preserve the past by making it compatible with and relevant to the present. To that end, new construction on a landmark or in a historic district should not necessarily duplicate the style of the landmark or historic district; it should simply be compatible with, and not detract from, the landmark or historic district.

§ 3. DEFINITIONS.

For the purpose of this Ordinance and unless the context clearly indicated otherwise, the following words and phrases shall have the meanings ascribed to them by this Section. Otherwise, words and phrases in this Ordinance shall have the meanings set forth under Article 2 of the Land Use Ordinance of the Town of Westfield.

- A. Addition. Any construction on any building located on a historic landmark or within a historic district.
- B. Administrative Officer. The Town Planner, and in the case of any such action required by him/her, the Zoning Officer, or Construction Official, or any other official of the Town of Westfield, as applicable, who is authorized and required as a component of his/her job description and employment to accept, review, and act on permit applications in accordance with the ordinances and regulations of the Town.
- C. Alteration. Any work done on any improvement which:
 - 1. is not an addition to the improvement; and
 - 2. changes the appearance of the exterior surface of any improvement.
- D. Building. Any structure created to shelter human activity; examples would include, but not be limited to, houses, barns, schools, railroad stations, theaters, and factories.
- E. Demolition. The partial or total razing, dismantling, or destruction, whether entirely or in significant part, of any building, structure, object, or landmark. "Demolition" includes the removal of a building, structure, or object from its landmark or the removal or destruction of the facade or surface.
- F. Facade. The exterior elevation of a building as viewed from any single public vantage point. The facade shall include the entirety of the building wall or walls making up the elevation, as well as any parapets, fascia, windows, doors, canopies, decorative features, and roof structures.
- G. Historic District.
 - 1. A geographically definable area of historic landmarks that are linked historically or aesthetically by plans or physical development and acknowledged to possess collective importance.
 - 2. A historic district may also consist of a definable group of tax map lots, the improvements on which when viewed collectively:

- a. represent a significant period or periods in the architectural and social history of the municipality;
- b. because of their unique character can readily be viewed as an area or neighborhood distinct from surrounding portions of the municipality; or
- c. have a unique character resulting from their architectural style.

Except as otherwise stated, all references to landmarks in this Ordinance shall be deemed to include historic districts as well.

H. Historic Preservation Commission Application Subcommittee (HPC Application Subcommittee). The HPC Chairperson and two (2) other Commission members previously designated by the HPC Chairperson.

I. Historic Landmark. Any real property, man-made structure, natural object, configuration, or any portion or group of the foregoing which have been formally designated on the Zoning Map of the Town of Westfield as being of historical, archeological, cultural, scenic, or architectural significance which:

- 1. is of particular historic, cultural, scenic, or architectural significance to the Town of Westfield and in which the broad cultural, political, economic, or social history, state or community is reflected or exemplified;
- 2. is identified with historic personages or with important events in the main current of national, state, or local history;
- 3. shows evidence of habitation, activity, or the culture of prehistoric man;
- 4. embodies a distinguishing characteristic or an architectural type valuable as representative of a period, style, or method of construction;
- 5. represents a work of a builder, designer, artist, or architect whose individual style significantly influenced the architectural history of the municipality; or
- 6. is imbued with traditional or legendary lore.

A historic landmark can include a building, structure, or site.

All landmarks shall specifically be identified within the historic preservation plan element of the Town Master Plan as recognized by the provisions of N.J.S.A. 40-55D-28(b)(10).

The designation of a landmark shall be deemed to include the lot or lots on which it is located.

J. Improvement. Any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of no less than sixty (60) continuous days.

K. Minor Application. Any application for a Certificate of Appropriateness which:

1. Does not involve demolition, relocation, or removal of a historic landmark or a key or “contributing property” in a historic district; or
 2. Does not involve an addition to a historic landmark or property in a historic district or new construction in a historic district; or
 3. Is a request for approval of fences, signs, awnings, or lighting, which, in the opinion of the HPC Application Committee, will not substantially affect the characteristics of the historic landmark or the historic district; or
 4. Is a request for a field change (i.e., those changes made in the field which are necessitated by job condition having no material design ramifications not constituting discretionary scope changes) in circumstances in which a Certificate of Appropriateness has already been issued, and such field change which, in the opinion of the Chair of the Commission or his/her designee, does not affect the architectural significance of the historic landmark or district; or
 5. Does not involve a change to the roofline of any building on a historic landmark; or
 6. Involves ten percent (10%) or less of the facade of any building on a historic landmark.
- L. Major Application. Any application for a Certificate of Appropriateness which is not a minor application, as defined above. Notwithstanding this definition and the definition of “Minor Application” as set forth above, any application which involves the subdivision of a historic landmark by the Planning or Zoning Boards, or any individual property within a historic district, shall be deemed to be a major application.
- M. Object. A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.
- N. Reconstruction. The act or process of reproducing by new construction the exact form, material, and details of a vanished building, structure, or object or part thereof, as it appeared during a specific period of time.
- O. Rehabilitation. The act or process of returning the exterior of an improvement to a state of utility through repair of an alteration which makes possible an efficient contemporary use while preserving those portions or features of the improvement which are significant to historical, architectural and cultural values.
- P. Repair. Work done on any improvement which:
1. is not an addition to the improvement; and
 2. does not change facade of any improvement.
- Q. Replacement. A repair that changes the façade of any structure or improvement.

- R. Restoration. The act or process of accurately recovering the form and details of the exterior of an improvement by means of the removal of later work or by the reconstruction of missing earlier work.
- S. Site. The location of a significant event, prehistoric, or historic activity, or remnant of a building or structure such as a battlefield, landscape, or the ruins of a building or structure.
- T. Structure. Any construction other than a building; examples would include bridges, lighthouses, water towers, a well house, tunnels, and civil engineering structures such as a canal.

§ 4. HISTORIC PRESERVATION COMMISSION.

- A. Establishment. There is hereby established a commission, pursuant to N.J.S.A. 40:55D-107, which shall be known as the Historic Preservation Commission. Among other powers and responsibilities, this Commission is hereby given, pursuant to N.J.S.A. 40:55D-109(e), authority to grant or deny approvals for Certificate of Appropriateness under § 6.0 hereof.
- B. Membership. The Commission shall consist of nine (9) regular members consisting of the following classes, and two (2) alternates, as set forth below:
 - 1. Class A. Two (2) persons who are knowledgeable in building design and construction or architectural history, not more than one of whom may reside outside of Westfield.
 - 2. Class B. Two (2) persons who are knowledgeable or have a demonstrated interest in local history, not more than one of whom may reside outside of Westfield.
 - 3. Class C. Five (5) persons who shall be citizens of the municipality who shall hold no other municipal office, position or employment, with the permitted exception of membership on the Planning Board or Zoning Board of Adjustment.
 - 4. Alternates. There shall be two (2) alternate members, designated as "Alternate No. 1" and "Alternate No. 2," who shall meet the qualifications of Class C members. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed so that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
 - 5. Town Historian. The Town Historian shall be one of those persons appointed as a Class A or Class B member.
 - 6. Planning Board Member. At least one (1) regular member of the Commission, whether qualified as a Class A, B, or C member, shall be a member of the Planning Board. The Planning Board member shall be a regular voting member of the Commission.

7. All Commission members shall have demonstrated interest, competence, and/or knowledge in historic preservation.
 8. To the maximum extent feasible, the Commission shall include members from the disciplines of planning, architecture, landscape architecture, history, architectural history, historic architecture, and archaeology who meet the professional qualifications set forth by the State Historic Preservation Office for New Jersey Certified Local Governments, and/or currently owns a property in a designated historic district, or owns a designated landmark.
- C. Appointment; Terms; Vacancies; Removal of Members. All members shall be appointed by the Mayor with the concurrence of the Town Council, except that the designated Planning Board member shall be appointed by the Chairperson of the Planning Board. Members shall serve for the following terms:
1. Regular members shall serve for four (4) year terms.
 2. Alternate members shall serve a term of two (2) years.
 3. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board or Zoning Board of Adjustment shall be contemporaneous with his or her term of membership on the Planning Board or Zoning Board of Adjustment.
 4. Vacancies shall be filled in the same manner by which the previous incumbent was appointed, and such appointee shall serve only for the balance of such incumbent's unexpired term.
 5. Any member of the Commission may, after public hearing if he or she requests it, be removed by the Town Council for cause. Missing three (3) or more meetings in any calendar year may be deemed cause for removal.
 6. Commission members and alternate members shall not receive any compensation.
- D. Officers and Staff.
1. The Commission shall elect from its regular members a Chairperson and a Vice-Chairperson.
 2. The Commission shall appoint a Secretary who need not be a member of the Commission.
 3. The Commission shall utilize the Town Attorney as its counsel. The Commission shall have the power to hire outside counsel as needed.
 4. The Mayor shall designate a member of the Town Council to act as a liaison between the Historic Preservation Commission and the Council. The Town Council liaison shall not be a voting member of the Commission.
 5. Within the limits of funds appropriated by the Town Council for the performance of its work, and any grants or gifts provided through other sources, the Commission may obtain the services of qualified persons to direct, advise, and assist the

Commission and may obtain the equipment, supplies, and other material necessary to assist its effective operation.

6. The Commission is empowered to seek advisory opinions and technical assistance from all municipal employees on any matter within the Commission's jurisdiction.

E. Rules and Procedures. The Commission shall adopt written by-laws or rules of procedures applicable to the conduct of its business, which shall be available to the public, and which are subject to the following:

1. All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6, *et seq.*).
2. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All material shall be public record and copies of same shall be provided to the Town Clerk.
3. A quorum for the transaction of business shall consist of five (5) of the Commission's members including the Chairperson, or in his or her absence, the Vice-Chairperson.
4. No Commission member may act on any matter in which s/he has, either directly or indirectly, any personal or financial interest.
5. Alternate members may participate in discussions but may not vote except in the absence or disqualification of a regular member.
6. A vote shall not be delayed so that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
7. A simple majority of affirmative votes is required to grant a Certificate of Appropriateness. If a Certificate of Appropriateness is not granted when voted on by the Commission, it shall be considered denied.
8. All actions to grant, change, or deny a Certificate of Appropriateness shall be memorialized by a formal written resolution, containing findings of fact and conclusions, which shall be adopted within forty-five (45) days as a memorialization of the action after the action has been taken.

9. The Commission shall annually establish a schedule of regular monthly meetings, which shall be noticed and posted in the Town Hall in accordance with the Open Public Meetings Act. Additional meetings may be called by the Chairperson or Vice-Chairperson, as may be required to fulfill the obligations of the Commission, on notice duly provided in conformance with the Open Public Meetings Act.

F. Powers and Duties. The Commission shall have the authority and responsibility to:

1. Adopt and promulgate such rules and procedures not inconsistent with this ordinance as are necessary and proper, for the effective and efficient performance of the duties assigned herein.
2. Survey the Town of Westfield to identify those buildings, structures, sites, objects, improvements, and/or areas that qualify for designation as historic landmarks or historic districts pursuant to the criteria set forth herein.
3. Maintain and update the survey of historic landmarks and districts in the Town of Westfield.
4. Adopt design guidelines for historic landmarks and historic districts.
5. Make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan, particularly regarding the inclusion of historic districts and historic landmarks, identified by the Commission's survey identifying same, and on the implications for preservation of historic landmarks upon all other elements of the Master Plan.
6. Recommend to the Town Council landmarks and districts that are qualified for historic designation by a zoning ordinance amendment in accordance with the criteria and procedures set forth in § 5.0 hereof.
7. Hear and decide applications for a Certificate of Appropriateness pursuant to § 6.0 hereof.
8. Advise the Planning Board and Board of Adjustment on all applications for development pertaining to historic districts, or historic landmarks designated on the zoning map or identified in any component of the Master Plan, pursuant to N.J.S.A. 40:55D-110.
9. Review all permit applications, requiring a Certificate of Appropriateness, and pertaining to historic landmarks or property in historic districts, and provide written reports to the Administrative Officer (as such term is defined in § 3.B hereof) on

the application of the provisions of this ordinance to any of those aspects of the change proposed, which were not determined by approval of an application for development by the Planning Board or Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-111.

10. Advise the Planning Board on the inclusion of landmarks and historic districts in the capital improvement program.
11. Collect and disseminate material on the importance of historic preservation and techniques for achieving same.
12. Advise all municipal agencies regarding goals and techniques of historic preservation.
13. Advise and assist citizen groups and individuals interested in establishing landmarks and historic districts.
14. Report at least annually to the Planning Board and the Town Council on the state of historic preservation in the municipality and recommend measures to improve same.

§ 5. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.

- A. Criteria for Designation. In establishing and maintaining its survey of historic landmarks, the Commission shall be guided by the National Register of Historic Places Criteria of Eligibility (36 CFR 60.4) and the criteria set forth in this Ordinance. The survey shall be used as a basis for identifying landmarks and districts worthy of designation. The Commission shall consider for designation districts and landmarks that have integrity of location, design, setting, materials, workmanship, and association, and that meet one or more of the following criteria:
 1. Character, interest, or value as part of the development, heritage, or cultural Identification characteristics of the Town, State, or Nation;
 2. with a person or persons who significantly enriched the Town, State, or Nation;
 3. Landmark of a historic event which had significant effect on the development of the Town, State, or Nation;
 4. Embodiment of distinguishing characteristics of a type, period, or method of construction, architecture, or engineering;

5. Identification with the work of a builder, designer, artist, architect, or landscape architect whose work has influenced the development of the Town, State, or Nation;
 6. Embodiment of elements of design, detail, materials or craftsmanship that render a landmark architecturally significant or structurally innovative;
 7. Unique location of singular physical characteristics that make a district or landmark an established or familiar visual feature; and
 8. Likely to yield information important in prehistory or history.
- B. Procedures for Designation. The Commission shall consider designation of a district or a landmark in accordance with the procedures that follow:
1. Designation by the Town. The Commission or the Planning Board may nominate for designation by the Town Council such landmarks by a simple majority of affirmative votes, if in the Commission's opinion, the criteria for designation set forth in § 5.A above are met. Should the Town Council accept the nomination of the Commission to designate a landmark or district, such designation shall be adopted by ordinance as an amendment to the zoning ordinance. For any nomination by the Commission, the Commission shall prepare a report containing a statement of its recommendations and the reasons therefor with regard to proposed designation. Such report shall be considered and adopted at a duly noticed public meeting of the Commission.
 2. Designation Nomination by the Affected Resident(s). For all districts and landmarks other than those designated pursuant to § 1 above, proposals to designate a landmark or district as historic pursuant to this article may be made by the verified application of the owner(s) of a landmark, or with respect to a proposed district, by any owner within the proposed district.
 - a. Nomination Proposals. The party or parties proposing a landmark or district for designation under this Section may prepare and submit to the Commission a nomination report for each proposed landmark or district. Should a nomination report not be submitted by the party or parties proposing a landmark or district, the Commission or such professional retained by it for that purpose may prepare such a report. For historic district designations, the report shall include a building-by-building inventory of all properties within the district, photographs of representative properties within the district, a property map of the district showing

boundaries, and a physical description and statement of significance for the district. For individual landmark designations, the report shall include one or more photographs, the tax lot and block number of the property as designated on the Official Tax Map of the Town and a physical description and statement of significance and proposed utilization of the landmark.

- b. Notice. The Commission shall schedule a public hearing on the proposed designation of a landmark or district. At least twenty (20) days prior to the hearing, the Commission shall, by personal service or certified mail:
 - 1. Notify the owner(s) of record of a property that has been proposed for designation or of property within a district that has been proposed for designation that the property is being considered for such designation and the reasons therefor.
 - 2. Advise the owner(s) of record of the significance and consequences of such designation and of the rights of the owner(s) of record to contest such designation under the provisions of this article.
 - 3. Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property.
 - 4. Serve any notices further required under the provisions of the Municipal Land Use Law.
- c. Public Notice of Hearing. Public notice of the hearing shall be given at least twenty (20) days prior to the scheduled hearing date by publication in an official newspaper of the Town. A copy of the nomination report shall also be made available for public inspection in the Municipal Clerk's office at least twenty (20) days prior to the hearing.
- d. Hearing. At a public hearing scheduled in accordance with this article, the Commission shall review the nomination report and accompanying documents. Interested persons shall be entitled to comment on the proposed nominations for designation.
 - 1. Commission Report. Upon Commission review and public hearing, the Commission shall forward to the Town Council its report, which shall contain a statement of its recommendations and the reasons therefor with regard to proposed designations considered at the hearing, including a list and map of properties approved for designation.
 - 2. Referral to the Planning Board. The Town Council shall refer the report to the Planning Board, which in turn shall report to the Town

Council as soon as possible, but within sixty (60) days. Failure of the Planning Board to transmit its report within the sixty-day period provided herein shall relieve the Town Council of its obligations relating to the referral of such a report to the Planning Board. Town Council action on landmark or district designations shall be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.

3. Final Designation. As soon as possible after its receipt of the report of the Planning Board or the expiration of the period allowed for Planning Board comment on designations pursuant to Subsection B(2)(g) of this Section and if no comments are made by the Planning Board, the Town Council shall act upon the proposed designation list and map and may approve, reject or modify by ordinance the designation recommendations made by the Planning Board or by the Commission. In the event that the Town Council votes to reject or modify any Planning Board recommendations for a proposed designation, the Council shall record in its minutes the reasons for not following such recommendation. All action taken by the Council on proposed designations shall become effective upon a favorable vote of a majority of its full authorized membership, except that in cases in which, pursuant to N.J.S.A. 40:55D-63, a written petition signed by the owners of twenty percent (20%) or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending two hundred (200) feet in all directions therefrom inclusive of street space, whether within or without the municipality, is filed with the Clerk of the Town, the vote of the Town Council shall be by a favorable vote of two-thirds (2/3) of all the members of the governing body of the municipality.
- e. Public Notice of Designation. Notice of designation shall be made public by publication in the official newspaper of the Town and by distribution to all municipal agencies reviewing development applications and permits. A certificate or letter of designation shall be sent to the owner(s) of record.
- f. Incorporation of Designated Landmarks or Districts into Town Records. Upon adoption, the designation list and map shall be incorporated by reference into the Master Plan and Zoning Ordinance of the Town as required by the provisions of the Municipal Land Use Law. Designated properties shall also be noted as such on the records for those properties maintained by the offices of the Town's Tax Assessor and the Municipal Clerk.

- g. Amendments. Landmark and district designations may be amended in the same manner as they were adopted in accordance with the provisions of this article.
- 3. Copies of the designation list and map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and all building and housing permits. A Certificate of Designation shall be provided by certified mail to the owner of each landmark included in the final list, and a true copy thereof shall be filed by the Town of Westfield with the County Recorder of Deeds for recordation in the same manner as certificates of lien upon real property.
- 4. Each designated historic district or landmark may be marked by an appropriate plaque in such form as the Commission shall promulgate by regulation.
- 5. Once an improvement has been designated a landmark or incorporated as a historic structure within a historic district, it may only be delisted therefrom by the same process required herein for its designation. If delisted, a certificate to that effect shall also be filed by the Town of Westfield with the County Recorder of Deeds.
- 6. All historic landmarks and historic districts designated by ordinance shall be based on identification in the Historic Preservation Plan Element of the Master Plan; provided that the Town Council may designate historic landmarks or districts not so identified upon affirmative vote of a majority of its members and provided the reasons for its actions are set forth in a resolution and recorded in its minutes (N.J.S.A. 40:55D-65.1).
- 7. A protest petition against a proposed historic site or district signed by the owners of twenty percent (20%) or more of the area of either, the lots or land included in the proposed designation, or of the lots or land extending two hundred (200) feet in all directions therefrom, inclusive of street space, may be filed with the Town Clerk. In such event, pursuant to N.J.S.A. 40:55D-63, the proposed designation shall become effective only by a favorable vote of two-thirds (2/3) of all members of the Town Council.
- 8. Pursuant to the provisions of N.J.S.A. 40:55D-65.1, the designation and regulation of historic landmarks and historic districts shall be in addition to such designation and regulation as the zoning ordinance may otherwise require. As required by N.J.S.A. 40:55D-65.1, all historic sites and historic districts designated in the zoning ordinance shall be based on identifications in the historic preservation plan element of the Master Plan. The governing body may, at any time, adopt, by affirmative vote of a majority of its authorized membership, a zoning ordinance designating one or more historic sites or historic districts that are not based on identifications in the historic preservation plan element, the land use plan element or community facilities plan element, provided the reasons for the action of the governing body are set forth in a resolution and recorded in the minutes of the governing body, as contemplated in the procedures set forth in this Section.

§ 6. CERTIFICATION OF APPROPRIATENESS.

- A. Actions requiring a Certificate of Appropriateness. A Certificate of Appropriateness issued by the Commission shall be required before the Zoning Officer may issue zoning

approval and the Construction Official may issue a permit for any of the following activities on the property of any designated landmark or within any designated historic district:

1. demolition of a historic landmark or of any façade improvement within any historic district;
 2. relocation or subdivision of any historic landmark or of any facade improvement within any historic district;
 3. changes in the exterior facade of any existing historic landmark or of any improvement within any historic district by addition, alteration, replacement, rehabilitation, restoration, or reconstruction;
 4. changes in, or addition of, new signs, fences or exterior lighting, except that no Certificate of Appropriateness shall be required for one (1) unlit sign per premises if the surface area of such sign does not exceed one (1) square foot for an identification sign, or four (4) square feet for a commercial sign, providing either of same is attached to, and parallel to, a facade of the building or structure;
 5. any new construction on a historic landmark or in a historic district visible from any single public vantage point; and
 6. any change in the exterior facade of any improvement within a historic district which itself does not have historic significance because same is of new construction, or for other reasons. Such change need not comply with the standards of consideration for that district set forth in § 8 below, but any change shall be consistent with the architectural style of the improvement as constructed and shall insofar as practical be compatible with other structures nearby in the district.
- B. At any time in which the Planning Board or the Board of Adjustment grants approval to an applicant to subdivide a historic site, or a property within a historic district, the Commission shall have an obligation to review and issue or deny a Certificate of Appropriateness for any development on such historic site or within such historic district.
- C. Exceptions.
1. Interior Work; Repairs, Exact Reconstruction. A Certificate of Appropriateness shall neither be required for changes to the interior spaces of buildings. A Certificate of Appropriateness shall not be required to change a paint color either in the interior or on the exterior of a building. A Certificate of Appropriateness shall be not be required for any façade repair that entirely matches the material and appearance of the repaired elements, or exact reconstruction of any existing façade improvement.
 2. Emergency Repairs. When, in the opinion of the Construction Official, a historic landmark requires immediate emergency repair to preserve the habitability and/or protect the health or safety of its occupants or others, which repair would otherwise require a Certificate of Appropriateness, temporary emergency repairs may be performed in accordance with Town codes, without the necessity of first obtaining Commission review. Under such circumstances, the repairs performed shall only

be such as are necessary to maintain the safety and habitability of the structure. No additional work shall be performed upon the structure until or unless the Commission grants a Certificate of Appropriateness pertaining to such work.

3. Non-Facade Changes. Changes not affecting the exterior facade of a building shall not require a Certificate of Appropriateness.

D. Review of Certificate of Appropriateness Applications.

1. The Town Planner, in conjunction with the Historic Preservation Application Subcommittee, shall make a determination as to whether or not the application is either a minor or major application. The Town Planner shall in writing, notify all applicants for zoning, building, and/or other permits pertaining to activities requiring a Certificate of Appropriateness, that such certificate is required prior to the issuance of a permit. A copy of such notice shall be provided to the Historic Preservation Commission. Along with such notice, the Administrative Officer shall provide the applicant with the Commission's application materials, and direct him or her to file an application in accordance with the instructions therein, to the Commission.
2. By confirmation from the Commission of receipt of such application, deemed by the Commission Chair, or his or her absence, the Vice-Chair, to be complete, and inclusive of a copy of the Town Planner's notice advising the applicant of the need to file, the application shall be considered officially referred to the Commission by the Town Planner. The date on which the Commission deems the application complete shall be deemed the date of referral by the Town Planner.
3. If a Certificate of Appropriateness is required, the Commission shall, in accordance with N.J.S.A. 40:55D-111, provide a written report at the conclusion of its review of the request for a Certificate of Appropriateness, which shall describe the application of the provisions of this Ordinance to the activities proposed by the applicant.
4. In the case of an application that requires approval by the Planning Board or Zoning Board of Adjustment, the Commission's review shall be confined to those aspects of the proposal not under the jurisdiction of the reviewing Board.
5. The Commission shall, pursuant to N.J.S.A. 40:55D-111, provide its written report to the applicant and to the Town Planner within forty-five (45) days of the Town Planner's referral to the Commission.
6. If, by its report to the Administrative Officer within the forty-five (45) day period, the Commission recommends against the issuance of a building permit, the Administrative Officer shall deny issuance of the building permit.
7. If, in the case of any application with respect to a historic district or historic landmark or any landmark listed within the Town's historic preservation plan, the Commission's report filed with the Town Planner recommends against the issuance of a permit, and further recommends referral of the application to the Planning Board for consideration of its reservation under the Board's authority granted

pursuant to N.J.S.A. 40:55D-44, the Town Planner shall deny issuance of the permit and so refer the application to the Planning Board along with the Commission's recommendations regarding reservation as authorized under N.J.S.A 40:55D-44.

8. If, by its report to the Town Planner within the forty-five (45) day period, the Commission recommends that the permit be approved with certain conditions, the Town Planner shall only approve the permit with the conditions as therein recommended.
9. Any Commission recommendation to the Town Planner in favor of permit issuance shall not be construed to relieve the applicant of his/her or its obligation to comply with any and all other applicable laws, ordinances, rules, regulations, or requirements, outside of the jurisdiction of the Commission.
10. Failure of the Commission to report within the forty-five (45) day period, as provided at § 6.D.5, above, shall be deemed to constitute a report in favor of the issuance of the permit, without the inclusion of conditions.
11. Nothing herein shall prohibit an extension of time by mutual agreement between the applicant and the Commission.

E. Review of Planning and Zoning Board of Adjustment Applications.

1. The Planning Board and Zoning Board of Adjustment shall refer to the Historic Preservation Commission every application submitted to either Board for development in historic zoning districts or on historic landmarks designated on the zoning or official map or identified in any component element of the Master Plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.
2. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
3. Any approval by the Planning Board or Zoning Board of Adjustment shall not relieve the applicant of the requirement to apply to the Commission for a Certificate of Appropriateness regarding any aspect(s) of the proposed activity not specifically under the jurisdiction of and approved by the reviewing Board.

§ 7. PROCEDURES FOR FILING AN APPLICATION.

- A. All applications for Certificate of Appropriateness shall be filed with the Town Planner on forms promulgated by the Historic Preservation Commission and shall include all supplemental information as required herein to permit a full and accurate assessment

and decision by the Commission in accordance with the review criteria set forth in § 8 hereof.

- B. All Certificates of Appropriateness issued shall require, as a condition of such approval, that proof be submitted that taxes or assessments for local improvements are not due or delinquent on the property.
- C. Within twenty (20) days of its receipt of an application for a Certificate of Appropriateness, the Town Planner in conjunction with the Application Subcommittee, shall:
 - 1. classify the application as a major or minor application in accordance with the definitions provided in § 3 hereof;
 - 2. review the application for completeness in accordance with the submission requirements set forth in this Section;
 - 3. notify the applicant, in writing, of such completeness determination; and
 - 4. in the event the application is deemed incomplete, include within such notice, a list of the deficiencies that render the application incomplete and which the applicant must address in order for the application to be complete.

If such notice is not issued to the applicant within twenty (20) days of the Commission's receipt of the application, the application shall be deemed complete upon expiration of the twenty (20) day period.

- D. Such additional information as the applicant, or the Commission, may find necessary to clearly explain and/or illustrate the project proposal and to assess whether or not a Certificate of Appropriateness will be issued.
- E. Checklist Waivers. The Town Planner shall maintain a checklist of the items necessary to be filed in support of an application, as promulgated by the Commission, which the Commission may modify as it shall deem appropriate. The Commission Chair, or in the absence of the Chair, the Vice-Chair, in conjunction with the Application Subcommittee, at the request of an applicant or on its own, may waive submission of one or more required items in appropriate instances. Any request for such waiver(s) by an applicant must accompany the application and shall include a statement of the reasons for such request.
- F. Validity of Submittals. Nothing herein shall be construed as diminishing the applicant's obligation to prove entitlement to issuance of a Certificate of Appropriateness. The Commission may require correction of any information found to be in error in the application and retains authority to require submission of items previously waived for submission, and/or any additional information not specified in the checklist, as may be reasonably required to make a decision upon the application. However, the application shall not be deemed incomplete for lack of any such additional information or corrections.
- G. Submission Requirements, Minor Applications. Minor applications for a Certificate of Appropriateness shall include, at minimum, the following:

1. Completed Certificate of Appropriateness application forms, providing all information therein requested including a detailed description of the project proposal, with the original signature(s) of the owner(s) and/or applicant(s) and date(s) of signature included thereon.
 2. A copy of current property survey prepared by a licensed Land Surveyor including metes and boundary lines, and location and scale of all existing structures and improvements.
 3. Photographs depicting existing building(s), structure(s), and conditions on the subject landmark and on immediately adjacent properties.
 4. Specification of materials to be used in completing the project and proposed colors of exterior finishes.
 5. Sketches or drawings illustrating the project, as proposed.
 6. A copy of the Administrative Officer's notice advising the applicant of the need to file if such notice was provided to the applicant.
 7. A copy of any application approved by the Planning Board or Zoning Board of Adjustment, as applicable, along with the Board's memorializing resolution.
 8. Such additional information as the applicant or the Commission may find necessary to clearly explain and/or illustrate the project proposal and to assess whether or not a Certificate of Appropriateness will be issued.
- H. Submission Requirements, Major Applications. Major Applications for a Certificate of Appropriateness shall, in addition to the items required for minor applications listed at § 7.E, above, include the following:
1. Scaled drawings prepared by a licensed professional depicting existing and proposed: landmark layout, building elevations, floor plans, roof layout plans, and materials specifications.
 2. For new buildings, additions to buildings, and/or those affecting ten percent (10%) or more of the facade of a building, scaled professional drawings shall include detailed information concerning significant architectural elements, including but not limited to such items as windows, porches, porticos, chimneys, doors, stoops, cornices, and decorative features.
 3. For new construction, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings.
 4. A written statement or report prepared by a qualified professional (i.e., an individual knowledgeable in historic architecture who is also an architect, landscape architect, planner, architectural historian, or other like professional) discussing the relationship between the project proposal and the standards of review as set forth in § 8 hereof.
- I. The applicant shall file one (1) original and one (1) copy of the full application package for purposes of the completeness determination. Upon receipt of notification that the

application has been deemed complete, the applicant shall provide eleven (11) additional copies of the full application for review by the members of the Commission.

J. Review by Commission.

1. Minor Applications. Minor applications may be scheduled for review at the next regularly scheduled meeting of the Commission following notification to the applicant that the application has been deemed complete. No public notice other than that required for the meeting of the Commission pursuant to § 4.E.1 and § 4.E.9, hereof, shall be required. The Commission Secretary shall consult with the applicant regarding scheduling. The applicant need not be present for the application to be considered and acted upon, however, should the applicant wish to attend the meeting, every effort shall be made, within the time limits prescribed for Commission action on the application (pursuant to N.J.S.A. 40:55D-111 and § 6.C and § 7.I, hereof) to accommodate the applicant's schedule.
2. Major Applications. Major applications shall be considered and acted upon by the Commission only during the course of a duly noticed public hearing at which any interested party may ask questions and be heard on the application. The Commission Secretary shall consult with the applicant regarding scheduling of such hearing since the applicant or his/her duly authorized representative must attend such hearing to present and answer questions on the application. The Secretary shall make every effort, within the time limits prescribed for Commission action on the matter (pursuant to N.J.S.A. 40:55D-111 and §§ 6.C and 7.I, hereof), to accommodate the applicant's schedule.
3. At least ten (10) days prior to the agreed upon hearing date or in the absence of such agreement, the date the Commission sets to conduct a hearing upon the application:
 - a. The applicant shall provide public notice of the hearing by certified mail or personal service to all the owners of property located within two hundred (200) feet of the lot lines of the landmark, and by publication in the official newspaper.
 - b. Said notice shall include the date, time, place of the hearing, the name of the applicant, the intent and purpose of the hearing, identification by street address and Tax Block and Lot numbering of the lot or lots that are the subject of the hearing, and the business hours and location of the Town Clerk's Office where the application package will be available for public inspection.
 - c. The applicant shall submit the required additional copies of the full application package required for Commission review pursuant to § 7.G

hereof, to the Commission Secretary or in the event of his/her unavailability to the Town Planner.

4. At least three (3) days prior to the public hearing:

- a. The applicant shall provide the Town Planner with an affidavit of proof of service properly acknowledged in accordance with applicable New Jersey law, certifying that all property owners within two hundred (200) feet of the lot lines of the landmark have been sent a notice of the application by personal service or certified mail within the required time frame; and
- b. The applicant shall provide the Town Planner with proof of publication of the notice of an application in the official newspaper of the Town of Westfield.

K. Time of Decision. The Commission shall be guided in its review and decision on any application for a Certificate of Appropriateness by the standards for review as set forth in § 8 hereof. The Commission shall render a decision on any application for a Certificate of Appropriateness within forty-five (45) days of the date on which it is deemed complete and compliance with the notice provisions of § H hereof; otherwise such applications shall be deemed to have been approved. In the event of a referral by the Town Planner pursuant to § 6.C, above, the Commission must provide its report to the Town Planner within the same forty-five (45) day period, and must therefore schedule such application for a public hearing to allow sufficient time to meet the forty-five (45) day requirement. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.

L. Report and Resolution.

1. The Commission shall prepare a memorializing resolution on each minor or major application setting forth its findings of fact and conclusions based thereon, which shall be adopted within forty-five (45) days of the date of decision.
2. A copy of the decision shall be mailed by the municipal agency within ten (10) days of the date of decision to the applicant or, if represented, then to his or her attorney, without separate charge, and to all who request a copy of the decision, for a reasonable fee. A copy of the decision shall also be filed by the municipal agency in the office of the Administrative Officer. The Administrative Officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.

3. In the event of a mutually agreed upon extension of the forty-five (45) day time period, the Commission Secretary shall, in the case of a referral by the Town Planner, provide a status report on the application to the Administrative Officer not later than the forty-fifth (45th) day after the application has been deemed complete.

M. Informal Review.

1. Nothing in this Section shall preclude the owner of a property which has been designated as a historic landmark or which is part of a designated district from requesting an informal review of any exterior façade work or a concept plan concerning any proposed project affecting a landmark or located within a historic district. The Commission shall provide for such informal review during a regularly scheduled meeting and shall offer its advice, comments, and any recommendations on the basis of the information provided. Except as set forth in section 7(M)(2) below, neither the applicant nor the Commission shall be bound by an informal review, and an informal review shall not relieve the applicant from the necessity to obtain a Certificate of Appropriateness, if required.
2. If during the course of an informal review, the Commission determines that the proposed work or plan is of such an insignificant nature that it will have negligible impact on the historic landmark or district in which it is located; that it clearly complies with the applicable standards of review; that no public hearing is otherwise required pursuant to § 7.H, hereof; and that the information presented is sufficient in and of itself to make such determinations; then it may, by affirmative majority vote, waive the requirement for submission of a formal application for a Certificate of Appropriateness in accordance with this Section, and forthwith grant a Certificate of Appropriateness for the project as proposed. An example of work that may qualify for such immediate approval upon informal review includes, but shall not be limited to, the replacement of exterior elements made of material that is different from that which is being replaced. The Commission shall return to the Administrative Officer its written report granting or denying the work or plan, which report may be stated in resolution form.

§ 8. STANDARDS OF CONSIDERATION.

- A. Design Guidelines for Issuance of a Certificate of Appropriateness. In reviewing any application for a Certification of Appropriateness, the Commission shall be guided by the Town of Westfield, New Jersey Design Guidelines for Historic Landmarks and Districts, as published and amended by the Commission from time to time.
- B. Demolitions. In regard to any application to demolish a historic landmark or any improvement or any other proposed action set forth in § 6.A hereof within a historic district, the following matters shall be considered:
 1. its historic, architectural, and aesthetic significance;

2. its use, however, this consideration shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*;
 3. its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest;
 4. the extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty;
 5. the extent to which its retention would promote the general welfare by maintaining and increasing real estate values; generating business; creating new jobs; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; or making the municipality a more attractive and desirable place in which to live;
 5. if it is within a historic district, the probable impact of its removal upon the ambience of the historic district; and
 6. whether, in the case of a historic landmark, the landmark is of such significance that it would be feasible and appropriate to raise funds through grants, gifts, foundations or other sources to enable its acquisition and preservation by the Town of Westfield or other agency dedicated to historic preservation, and should thus be considered by the Planning Board for reservation for up to a one-year period to enable such acquisition, with appropriate compensation provided to the owner, under the Board's authority granted pursuant to N.J.S.A. 40:55D-44.
- C. Relocation Out of the Town of Westfield. In regard to an application to move a historic landmark or improvement within a historic district to a location outside the Town of Westfield, the following matters shall be considered along with any other factors the Commission considers relevant:
1. the possible historic loss to the landmark of original location;
 2. the reasons for not retaining the landmark or structure at its present landmark;
 3. the proximity of the proposed new location to the Town of Westfield, including the accessibility to the residents of the Town of Westfield and other citizens;

4. the probability of significant damage to the landmark or structure itself during relocation; and
 5. the applicable matters listed in § 8.A.
- D. Relocation Within the Municipality. In regard to an application to move a building located on a historic landmark, or any improvements in a historic district, to a new location within the Town of Westfield, the following matters shall be considered in addition to the factors listed in § 8.B:
1. the compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the intent and purposes of this Ordinance; and
 2. if the proposed new location is within a historic district, the visual compatibility factors as set forth in § 8.E hereof.
- E. Subdivisions, Landmark Plans, Variances. Notwithstanding the provisions of the Land Use Ordinance applicable to subdivisions, a designated historic landmark shall be subdivided only when:
1. the proposed subdivision would not adversely impact the architectural or historic character of the structure or structures on the designated historic landmark, its surrounding grounds, or the designated historic district in which it is located; or
 2. the reviewing Board finds that any adverse impact to the landmark or district resulting from the subdivision, will be satisfactorily mitigated by the imposition of conditions upon any approval requiring that specific measures be taken such as, but not limited to, installation of screening, buffering, and/or landscaping.

These standards shall not be considered satisfied merely because subdivision and development of the property may be more profitable than the existing lot configuration. If a subdivision requires one or more variances from the zoning regulations, the decision on such variance request(s) shall give specific consideration to the historic preservation standards of this Ordinance.

Consistent with the intent and purpose of the MLUL, this Chapter, and the Land Use Ordinance of the Town of Westfield, the Commission may recommend to the reviewing Board that a historically designated landmark may not be subdivided, and, provided that the application does otherwise conform with the zoning ordinance and/or the application provisions of the site plan ordinance, the reviewing board may rely on such a determination in order to deny any subdivision of a historic landmark. If a subdivision is approved consistent with these provisions, all new construction on any resulting lot shall be subject to the requirements of §§ 8.E, F, G, and H, below. All lots retain their original historic designation. All powers exercised pursuant to this Subsection shall be within the jurisdiction of the Planning Board or Zoning Board of Adjustment, as applicable under the provisions of the N.J.S.A. 40:55D-1, *et seq.*

- F. Visual compatibility considered for new construction, additions, removals, or rehabilitations. In regard to an application to move a landmark or improvement into, or to construct a new structure or add to, alter or rehabilitate an existing improvement within a historic district, or a landmark, the visual compatibility of the proposed improvement with the structures and surroundings to which it would be visually related shall be considered in terms of the visual compatibility factors as set forth in § 8.H hereof.
- G. Consideration on Other Actions. In regard to an application for approval of any proposed action set forth in § 6 hereof, the following matters shall be considered:
1. If a historic landmark or an improvement in a historic district is involved:
 - a. the impact of the proposed change on its historic and architectural character;
 - b. its importance to the Town of Westfield and the extent to which its historic or architectural interests would be adversely affected to the detriment of the public interest; and
 - c. the extent to which there would be involvement of textures and materials that could be reproduced or could be reproduced only with great difficulty.
 2. The use of any structure involved; provided, however, that this consideration shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*
 3. The extent to which the proposed action would adversely affect the public's view of a landmark or improvement within a historic district from a public street.
 4. If the application deals with an improvement or other proposed action set forth in § 6.A hereof within a historic district, the impact the proposed change would have on the character and ambience of the historic district and the improvement's visual compatibility with the spaces and structures to which it would be visually related in terms of the visual compatibility factors set forth in § 8.H hereof.
- H. Additional matters considered. In regard to all applications for Commission approval, additional pertinent matters may be considered. These additional matters may include the following standards and objectives of the Ordinance:
1. Every reasonable effort should be made to provide a compatible use for buildings that will require minimum alterations to the building and its environment. This objective shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*
 2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historical

material or architectural features should be held to a minimum consistent with the proposed use.

3. Deteriorated architectural features should be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of original features, substantiated by physical or pictorial evidence rather than on conjectural designs, or the availability of different architectural features from other buildings.
 4. Distinctive stylistic features or examples of craftsmanship which characterize older buildings should be treated with sensitivity.
 5. Many changes to buildings and environments are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right and this significance should be recognized.
 6. All buildings should be recognized as products of their own time. Alterations which may be inconsistent with the actual character of the building should be avoided.
 7. Contemporary designs for new buildings in old neighborhoods and additions to existing buildings or landscaping should not be discouraged if such design is compatible with the character of the neighborhood, building, or its environment.
 8. Wherever possible, new additions, or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.
 9. The Historic Preservation Commission shall also be guided by the standards and criteria of the "Secretary of Interior Standards for Historic Preservation Projects" prepared by the Office of Archaeology and Historic Preservation, Heritage Conservation and Recreation Service, U.S. Department of Interior, Washington, D.C., as same may be amended from time to time.
- I. Visual compatibility factors. In assessing the effect of any proposed change contained in an application before the Commission, the following "visual compatibility" factors shall be used to analyze the effect that the change would have on the landmark and those structures to which the landmark is visually related, or on the district in which the structure is located.
1. Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 2. Proportion of Building's Front Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 3. Proportion of Openings Within the Facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.

4. Rhythm of Solids to Voids on Facades Fronting on Public Places. The relationship of solids to voids in facades of buildings shall be visually compatible with the buildings and places to which they are visually related.
5. Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
6. Rhythm of Entrance and/or Porch Projection. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
7. Relationship of Materials, Texture, and Color. The relationship of materials, texture, and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related, especially those immediately adjacent.
8. Roof Shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
9. Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
10. Scale of Building. The size of a building, the mass of a building in relation to open spaces, the windows, door opening, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
11. Directional Expression of Front Elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

§ 9. EFFECT OF CERTIFICATE OF APPROPRIATENESS APPROVAL, DENIAL, APPEAL.

- A. Approval. Approval by the Administrative Officer, the Planning Board, or the Zoning Board of Adjustment, in accordance with the procedures set forth herein shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor eliminate any requirement for the filing of collateral application(s) or other proceeding(s), as may be required by other municipal ordinance(s) or other applicable law or regulations prior to undertaking the action requested concerning the historic landmark or district.
- B. Expiration of approval. A Certificate of Appropriateness shall be valid for two (2) years from the date of its issue. Reasonable extensions thereof may be approved by the Commission in its discretion. If a separate permit or approval is also required for the action approved and is obtained prior to expiration of said two (2) year period, then the Certificate of Appropriateness shall continue to be valid through the life of such other permit or approval, inclusive of any extensions thereof.

- C. Denial. Denial of a Certificate of Appropriateness by the Commission shall preclude the applicant from undertaking the activity for which approval was sought.
1. Denial of an application for development by the Planning Board or Zoning Board of Adjustment involving a designated historic landmark or district shall be deemed to preclude the applicant from undertaking the activity which would affect the landmark or historic district that was the subject of such application.
 2. Denial of a permit by the Administrative Officer based on recommendation made by the Commission to such Officer shall be deemed to preclude the applicant from undertaking the activity for which approval was sought.
 3. Denial by the Commission of a Certificate of Appropriateness application for landmark demolition, which denial includes recommendations for referral to the Planning Board for consideration of historic landmark preservation pursuant to N.J.S.A 40:55D-44, shall preclude issuance of a permit for the proposed demolition and shall require that the Administrative Officer forward the application to the Planning Board for such consideration.
- D. Appeals. An appeal of the decision of the Administrative Officer concerning grant or denial of a permit application pursuant to this Ordinance, shall be made to the Zoning Board of Adjustment as provided under N.J.S.A. 40:55D-70. An appeal from the decision of the Planning Board or Zoning Board of Adjustment shall be made in the same manner as permitted and prescribed by law for appeals from any other decisions made by such Boards in accordance with applicable law.

§ 10. SPECIAL REQUIREMENTS FOR DEMOLITION.

- A. Intent and Purposes. This Section is adopted in furtherance of the policies set forth in this Ordinance to assure the preservation and enhancement of the Town's historical and cultural heritage by preserving, rehabilitating or restoring, whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the Town.
- B. Definitions. For the purposes of this Section, the following words and phrases have the following meanings:
- APPLICATION — An application to the Zoning Official for a demolition permit as defined by this Section.

COMMISSION — The Historic Preservation Commission of the Town of Westfield.

CONSTRUCTION OFFICIAL — The Construction Official of the Town of Westfield.

DEMOLITION APPROVAL – Any approval issued by the Zoning Official which is required by the Westfield General Code and/or Westfield Land Use Regulations and which authorizes the total or partial or partial demolition of a building or structure (excluding interior demolition).

DEMOLITION PERMIT — Any permit issued by the Construction Official which is required by the State Building Code and which authorizes the demolition of 75 percent or more of a building or structure (excluding interior demolition), or which authorizes demolition of 25 percent or more of the façade of a building or structure, regardless of whether such permit is called a "demolition permit," "alteration permit," or "building permit," etc.

HISTORIC PRESERVATION OFFICER (HPO) — The Secretary of the Commission or a member of the Commission appointed by the Commission.

PARTIAL DEMOLITION — The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the structure.

POTENTIALLY HISTORIC BUILDING OR STRUCTURE — Any building or structure which, in whole or in part, was constructed prior to 1930 at the time an application is filed.

TOTAL DEMOLITION — The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

ZONING OFFICIAL – The Zoning Official of the Town of Westfield.

C. Procedure.

1. No demolition approval shall be issued by the Zoning Official for a building or structure which is identified within the Historic Preservation Plan Element and/or was originally constructed prior to 1930, except in conformity with the provisions

of this Section, the Historic Designation and Preservation Ordinance of the Town of Westfield, and any other applicable law, statute, ordinance or regulation.

2. Within five (5) business days after the filing of an application for demolition approval, the Zoning Official shall deliver a copy of such application to the Historic Preservation Officer (HPO) for the purpose of determining whether or not the building, object, landmark, or structure may have historical, cultural, architectural, aesthetic or other significance, pursuant to the criteria for historic designation set forth in the Historic Preservation Ordinance.
3. Unless otherwise voluntarily agreed to by the applicant, those requirements of Town of Westfield General Code section 8-7, "Requirements to Obtain Permit," relating to insurance liability coverage, utility shut-off, fire prevention inspection and certification, debris removal and fill, proof of rodent baiting, and asbestos certification, need not be initiated until after the historic review contemplated in this section has been completed.

D. Review of Application by Historic Preservation Officer.

1. The HPO shall, within 10 business days after his or her receipt of an application for demolition approval from the Zoning Officer, make a determination as to whether or not the building or structure proposed for demolition may have historical, cultural, architectural, aesthetic or other significance, in accordance with the criteria for historic designation set forth in Historic Preservation Ordinance of the Town of Westfield. The HPO shall notify the Zoning Official of said determination in writing.
2. If the HPO determines that the building or structure has no historical, cultural, architectural, aesthetic, or other significance, demolition approval may be issued immediately, provided the application complies with all other applicable laws, ordinances and regulations.
3. If the HPO determines that the building or structure may have historical, cultural, architectural, aesthetic, or other significance in accordance with the criteria for historic designation as set forth in the Historic Designation and Preservation Ordinance of the Town of Westfield, the HPO shall immediately deliver a copy of his or her written determination to the Commission. The Commission shall review said determination at its next regularly scheduled meeting or at a special meeting called for that purpose, but no such review by the Commission shall extend beyond 15 calendar days of receipt of the HPO's written determination. If the Commission concurs with the HPO's determination, the Commission may promptly seek designation of the property pursuant to the procedures set forth in § 5 of the Historic Designation and Preservation Ordinance of the Town of Westfield. If the Commission disagrees with the HPO's determination, the Commission shall, within five calendar days, notify the Zoning Official of its determination, and the Zoning

Official may thereafter issue demolition approval immediately, thereafter, provided the application complies with all other applicable laws, ordinances and regulations.

- E. No demolition approval shall be issued by the Zoning Official for a potentially historic building or structure until the requirements of this Section and the Historical Preservation Ordinance, if applicable, have been satisfied.
- F. Notwithstanding the requirements of this Section 10, prior to submitting a demolition application to the Town, a property owner within the Town may request an informal opinion by the Commission as to whether a particular building or structure identified in the Historic Preservation Plan Element and/or originally constructed prior to 1930 both (1) meets the criteria for historic designation and (2) would be nominated for designation by the Commission as permitted in this Section, should a demolition permit application be filed. Said determination by the Commission must be recorded in the Commission's meeting minutes. Should the Commission determine upon motion, after such informal review, that the property in question does not meet the criteria for historic designation and would not be nominated for designation, then no HPO/HPC review shall be required for a period of one year after such determination is made by the Commission.

§ 11. PENALTIES.

- A. If any person shall undertake any activity upon a landmark or improvement within a historic district, requiring a Certificate of Appropriateness without first having obtained such certificate, such person shall be deemed to be in violation of this Ordinance.
- B. Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of the lot wherein the violation has occurred or is occurring, a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the landmark or improvement to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted upon the landmark or other improvement located in a historic district, and a copy shall be sent by both regular mail and certified mail, return receipt requested, to the owner at his, her, or its last known address as it appears on the municipal tax rolls. Copies of all such notices shall be sent to the Chairperson of the Historic Preservation Commission.
- C. In the event that the violation is not abated within ten (10) days of service or posting upon the landmark or other improvement located in a historic district, whichever is earlier, the Zoning Officer shall cause to be issued a Summons and Complaint, returnable in the municipal Court, charging violation of this ordinance. The Zoning Officer shall also notify the Chairperson of the Historic Preservation Commission of this action.
- D. If a violation involves ongoing unauthorized construction or demolition work, the Construction Official shall immediately issue a stop work order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119, *et seq.*
- E. The penalty for violations shall be as follows:

1. for each day, up to ten (10) days: not more than one thousand dollars (\$1,000.00) per day;
 2. for each day, eleven (11) to twenty-five (25) days: not more than one thousand and five hundred dollars (\$1,500.00) per day;
 3. for each day beyond twenty-five (25) days: not more than two thousand dollars (\$2,000.00) per day; and
 4. in the case of a demolition without a permit therefor, a violation shall be punishable by a ten thousand dollar (\$10,000.00) fine.
- F. In the event that the Zoning Officer or Construction Official is made aware that demolition or removal of a landmark building or structure is about to occur without a Certificate of Appropriateness having been issued, he or she is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of any landmark or other improvement located in a historic district. The Chairperson of the Historic Preservation Commission shall be informed immediately of this action.

§ 12. PREVENTIVE MAINTENANCE.

Recognizing the need for preventive maintenance to ensure the continued useful life of historic landmarks and improvements in historic districts, the Town Council hereby declares that code enforcement as relates to historic landmarks and improvements in historic districts is a high priority of the Town of Westfield.

- A. Demolition by Neglect. Neither the owner of nor the person in charge of a historic landmark, or an improvement within a historic district, shall permit such structure, landmark or property to fall into a state of disrepair which may result in the deterioration of any exterior façade appurtenance or architectural façade feature so as to produce or tend to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic landmark or historic district as a whole, or the life and character of the historic landmark, district, structure or property in question, including but not limited to:
1. The deterioration of exterior walls or other vertical supports;
 2. The deterioration of roofs or other horizontal members;
 3. The deterioration of exterior chimneys;
 4. The deterioration of crumbling of exterior plasters or mortar;

5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 6. The peeling of paint, rotting, holes and other forms of decay;
 7. The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, street signs, accessory structures and landscaping; or
 8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
- B. In the event that any historic landmark or improvement in a historic district deteriorates to the point that, in the best estimate of the Administrative Officer, the cost of correcting the conditions of the property or outstanding code violation equals more than twenty-five percent (25%) of the cost of replacing the entire improvement on which the violations occur, said Administrative Officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the historic landmark listing the violations, the estimate for their abatement, and the replacement cost of the improvement, and stating that if the owner does not take all necessary remedial action within ninety (90) days or such extensions as said Administrative Officer shall for good cause grant, the Town of Westfield may, at the expiration of such ninety (90) days, assess such fines as are permitted for violations of this Ordinance, or enter upon the property and abate such violations itself and cause the cost thereof to become a lien upon the property.
- C. Upon receipt of such notice the owner may, within ten (10) days after such receipt, notify the Administrative Officer of his or her or its wish to have a hearing as to the allegations and estimates set forth in the notice. Such hearing shall be conducted by the Town Attorney and shall, so far as possible, be a formal adversarial proceeding in which the Administrative Officer shall establish the matters alleged in the notice by a preponderance of the evidence. If the owner does not request a hearing, the procedures set forth in the notice prescribed at § 12.A, above, shall apply. If a hearing is requested, the Town Attorney will within ten (10) days following the hearing, serve on the owner an opinion in writing setting forth his or her conclusions and the reasons, therefore. Such opinion shall deem to be first notice pursuant to § 12.A hereof.
- D. Thereafter, if the owner does not comply, the Administrative Officer may enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations. All costs of such work shall be a lien upon the landmark property, payable with the next quarter's real property taxes and, if not paid then, bearing interest at the same rate as delinquent taxes.

§ 13. PERMIT REVIEW.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a Certificate of Appropriateness, and if it should, to inform both the Secretary of the Commission and the applicant.

§ 14. DESIGNATED HISTORIC LANDMARKS.

The following properties, recommended by the Historic Preservation Commission and by the Planning Board to be designated as historic landmarks, are hereby designated as historic landmarks by virtue of this (or previously adopted) Ordinance(s):

- A. The World War I monument located at the Plaza at the intersection of North Avenue and East Broad Street, including the vertical column, its base and the surrounding grounds extending to the existing street lines bordering the monument and statuary atop the column, and any inscriptions or plaques thereon. The monument is located on Lot 1, Block 2507 on the tax maps of the Town of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- B. The Westfield Fire Headquarters #1, located at 401-405 North Avenue West, Westfield, New Jersey, and designated as Lot 6, Block 3103 on the tax maps of the Town of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- C. The private residence owned at the time of its designation by Earl Frawley and Patricia Frawley, h/w, located at 522 Elm Street, Westfield, New Jersey, known as Lot 4, Block 1102 on the tax maps, and being the property formerly occupied as a childhood residence by the deceased cartoonist and humorist, Charles Addams.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- D. Mindowaskin Park, known as Lot 12, Block 2403.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- E. The private residence owned at the time of its designation by Hugh Platt, located at 526 Wychwood Road, Westfield, New Jersey, known as Lot 1, Block 1410 on the tax maps, and being also known as the Ball-Platt house, the Joseph Ball house and the Amzi Ball house. The residence was originally built in 1741 and was located in what is now Maplewood, New Jersey.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- F. The private residence owned at the time of its designation by Allen R. Malcolm and Florence J. Malcolm, located at 841 East Broad Street, Westfield, New Jersey, known as Lot 33, Block 2101 on the tax maps, and being also known as the Scudder Farm House. The residence was originally built in about 1790 and was originally the residence of John Scudder, a member of one of the pioneer families of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- G. The private residence owned at the time of its designation by Charles L. Whedon and Viola M. Whedon, located at 667 Fourth Avenue, Westfield, New Jersey, known as Lot 6, Block 3303 on the tax maps, and being also known as the Matthias Sayre House. The residence was originally built in about 1760 and was originally the residence of Matthias Sayre, a member of one of the pioneer families who fought in the Revolutionary War.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- H. The private residence owned at the time of its designation by Mr. and Mrs. Theodore Alley, located at 500 Salter Place, Westfield, New Jersey, known as Lot 12.021, Block 3408 on the tax maps, and being also known as the Charles Marsh House, and it being the intention to exclude from such designation that portion of said lot seventy (70) feet in width abutting the easterly side lot line and extending from the front lot line to the rear lot line. The residence was originally built around 1775 and was originally the residence of Charles Marsh, a soldier in the Revolutionary War

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- I. The Miller-Cory House museum owned and operated at the time of its designation by the Westfield Historic Society, located at 14 Mountain Avenue, Westfield, New Jersey, known as Lot 40 in Block 1203 on the Town Tax Map, and built circa 1740 by Samuel Miller, purchased by Joseph Cory in the 1780s and owned by the Cory family until 1921. The museum is an authentically restored 18th Century vernacular farmhouse.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- J. The Well House structure, dating from the 1700's, owned at the time of its designation by Charles and Patricia Lea Woodward, located at Two Hundred (200) Woodland Avenue, Westfield, New Jersey, known as Lot 57 in Block 2003 on the Town Tax Map,

together with property extending from the Well House, ten (10) feet to the east, west, and north, and five (5) feet to the south.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- K. The Burial Grounds of the Presbyterian Church in the West Fields of Elizabethtown, owned at the time of its designation by the Presbyterian Church in Westfield, located at 125 Mountain Avenue, Westfield, New Jersey, known as Lot 14 in Block 2405 on the Town Tax Map; its period of significance dated from 1724-1850. The property contains well-preserved, carved gravestones; 386 gravestones have unusual epitaphs, including graves of important persons, veterans of the Revolutionary War, the War of 1812, the Civil War, and ordinary citizens. The landmark was nominated for listing on State and National Registers of Historic Places.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- L. The Newell House, located at 603 Clark Street, Westfield, New Jersey 07090, which is located on Block 808, Lot 26 on the Town Tax Map.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- M. Reeve House, located at 314 Mountain Avenue, Westfield, New Jersey 07090, which is located on Block 2403, Lot 10 on the Town Tax Map.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- N. Triangle Park, which is the triangular piece of land between Walnut St., Lawrence Ave., and Mountain Ave., in Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

§ 15. DESIGNATED HISTORIC DISTRICTS.

The following properties, recommended by the Historic Preservation Commission and by the Planning Board to be designated as historic districts, are hereby designated as historic districts by virtue of this Ordinance:

Kimball Avenue District. This district includes the properties, described hereafter, all currently in single-family residential use:

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Historic Description</u>
216 Kimball Avenue	2401	2	Embree House
222 Kimball Avenue	2401	3	
230 Kimball Avenue	2401	4	Robert A. Fairbairn House
231 Kimball Avenue	1101	16	Faircroft
237 Kimball Avenue	1101	15	Fairbairn-Pierson House
242 Kimball Avenue	2401	5	Dohrman-Ludwig House
243 Kimball Avenue	1101	14	Reverend Patton House
248 Kimball Avenue	2401	6	Faulkner House
249 Kimball Avenue	1101	13	Alpers-Cowperthwaite House
256 Kimball Avenue	2401	7	
257 Kimball Avenue	1101	12	Baker-Evans House
265 Kimball Avenue	1101	11	Alpers-Sanborn House
266 Kimball Avenue	2401	8	Platt House
322 Lawrence Avenue	2402	1	Putnam-Crammer House
404 Lawrence Avenue	1113	1	Douglas House

The Historic Preservation Commission shall be permitted to place appropriate plaques in said district indicating its historic status, and individual property owners shall be permitted to include a plaque on their individual houses showing the date of construction, architectural style and/or historic description; provided, however, that such individual plaques not exceed one (1) square foot in area.

§ 16. REPEAL.

All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. Specifically, the current appendix to the Land Use Ordinance dealing with Historic Designation and Preservation is repealed in its entirety.

§ 17. SEVERABILITY.

In the event that any section, part, or provision of this Ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unconstitutional or invalid.

§ 18. EFFECTIVE DATE.

This Ordinance shall take effect after passage and publication, as soon as and in the manner permitted by law.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

RESOLUTION NO.

**RESOLUTION AMENDING GENERAL ORDINANCE 2183 RELATING TO
HISTORIC PRESERVATION**

CODE REVIEW AND TOWN PROPERTY COMMITTEE

AUGUST 11, 2020

WHEREAS, the Town of Westfield has in place an ordinance establishing a historic preservation commission and providing for the designation and preservation of historic districts and historic landmarks in the Town of Westfield; and

WHEREAS, the Mayor and Town Council introduced on first reading on June 30, 2020, certain revisions to that ordinance; and

WHEREAS, after its introduction, the Town of Westfield Planning Board reviewed the ordinance pursuant to its authority under the New Jersey Municipal Land Use Law; and

WHEREAS, subsequent to its introduction on first reading, members of the public, members of the Town's Historic Preservation Commission, and Town staff, recommended various changes to the proposed ordinance; and

WHEREAS, the Town Council's Code Review and Town Property Committee has discussed in its Committee adopting certain of those changes as amendments to the proposed ordinance;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Town Council of the Town of Westfield hereby amend G.O. 2183 for certain non-substantive technical and grammatical reasons, and as follows:

1. Section 4(B)(8) shall be amended to amended to indicate that, to the maximum extent feasible, at least one member of the HPC should own a property in a designated historic district or a designated historic landmark.
2. Section 7(M) shall be amended to make more explicit that minor work being undertaken by property owners of historically designated properties need not go through the formal certificate of review process.
3. New Section 10 of the ordinance, relating to demolition review for historic structures, shall be amended:
 - a. to clarify that the review process only applies to demolition applications for the removal, destruction or demolition of more than 75% of the applicable structure or building, and/or more than 25% of the façade;

- b. to make clear that the special historic review process for demolitions is a zoning review that precedes other general demolition requirements;
- c. to allow for informal HPC review of pre-1930 structures and those identified in the Historic Preservation Plan Element;
- d. to shorten the timeframe for special historic review of demolition applications; and
- e. to clarify that, even if a pre-1930 home meets the historic designation criteria, the HPC may recommend, but is not required to recommend, that the home be designated as historic.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2188

**AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING
THE DEMOLITIONS REQUIREMENTS OF THE TOWN CODE**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) are charged with setting forth standards with respect to the demolition of all structures and buildings within the Town, including the requirements of the permitting process thereof; and

WHEREAS, the Mayor and Town Council shall, from time-to-time, update the policies and procedures in place regarding the demolition of structures and buildings within the Town to stay consistent with current practices and the laws of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Chapter 8, “Buildings,” Article IA, “Demolitions,” of the Town Code shall be and is hereby amended and supplemented by the addition of the following:

§ 8-5. Permit Required.

The demolition of any structure or building within the Town of Westfield shall require a permit from the Zoning Official of the Town of Westfield. For purposes of this Article IA, the term "demolition" shall be defined as the removal, destruction or demolition of more than 75% of the area or volume, whichever is more restrictive, of the whole building or structure at the time of the partial demolition. . In the event of doubt as to whether the proposed action to the building or structure is a demolition within the meaning of this article, the decision of the Zoning Official shall be final, but may be appealed to the Zoning Board of Adjustment.

§ 8-6. Procedure to Obtain Permit.

(a) A person seeking a permit to demolish a building or structure within the Town of Westfield shall first apply for such permit at the office of the Zoning Official of the Town and said application shall be on forms provided by the Zoning Official. Such application shall require the following information:

- (1)** Name and address of the owner of the building or structure;
- (2)** The name and address of the contractor who will demolish the building or structure;
- (3)** A statement as to the liability insurance coverage of said contractor for said work which shall be in a minimum amount of \$300,000, which shall set forth amount of coverage, insurance company and insurance agent;
- (4)** The written consent of the owner of the property and any mortgagees who may hold a mortgage on the property to demolish the building or structure;

- (5) Proof that the taxes on the property are current.
- (b) The Zoning Official shall determine compliance with requirements of this article for obtaining a permit to demolish.

§ 8-7. Requirements to Obtain Permit

- (a) The following requirements must be met before a permit shall be approved by the Construction Official:
 - (1) A copy of the demolition approval issued by the Zoning Official dated no more than 30 days prior to the application for a Uniform Construction Code permit for demolition;
 - (2) All fees required by this chapter are paid;
 - (3) Statements from the utilities supplying telephone, cable television, electricity, water and gas that these utilities have been disconnected from the structure or building at the street line;
 - (4) Inspection by the Fire Subcode Official and/or Fire Prevention Officer of the Town of Westfield to determine that all flammable, explosive, toxic, or otherwise hazardous materials have been removed from the building or structure and certification by him that the building or structure is free of such flammable, explosive, toxic or otherwise hazardous materials and safe to demolish. By requesting a permit, the applicant authorizes inspection of the interior and exterior of the premises;
 - (5) Proof satisfactory to the Construction Official that provisions have been made to remove all debris, and fill any excavation below grade level which remains as a result of the demolition with clean fill;
 - (6) Proof of compliance with all applicable provisions of the Town Code;
 - (7) Proof that rodent baiting has been done at the property for at least seven days;
 - (8) Asbestos.
 - a. Submission of an appropriate certification from a licensed asbestos contractor following an inspection of the building or structure certifying that no asbestos is located at, on or in any building or structure located on the property; or
 - b. Submission of an appropriate certification from a licensed asbestos contractor that any asbestos located at, on, or in any building or structure located on the property has been removed and disposed of in accordance with all applicable federal, state and local laws and regulations.
- (b) A copy of any such demolition permit approval issued by the Construction Official shall be sent to the Town Administrator on a monthly basis.

§ 8-8. Notice.

- (a) Following approval of a person's application to demolish a building or structure within the Town of Westfield, the owner of the property or an authorized agent of the owner shall provide notice in the manner set forth herein.
- (b) The owner of the property for which a demolition approval has been granted shall provide to each owner of lots adjoining the subject property and to the owners of wired or other facilities, the temporary removal of which may be necessitated by the proposed work, notice that a demolition approval has been approved by the Zoning Official.
- (c) The notice shall contain the following information:
 - (1) The date of the approval of the demolition.
 - (2) Contact information for the owner of the property and the contractor to perform the demolition including name, address and telephone number and cellular telephone information, if any.
 - (3) The estimated date of the demolition of the building or structure on the property.
- (d) Notice to adjoining property owners shall be given at least three(3) business days prior to the proposed demolition by:
 - (1) Serving a copy thereof on the adjoining property owner as reflected in the current records of the Tax Assessor of the Town; or
 - (2) Mailing a copy thereof by certified mail to the adjoining property owner at his address as reflected in the current records of the Tax Assessor of the Town.
- (e) The owner or his authorized agent shall file an affidavit of proof of service of the notice required by this section with the Construction Official.
- (f) Demolitions shall be prohibited on weekends and federal public holidays.

§ 8-9. Issuance of Permit.

The Construction Official shall issue a permit for demolition sought pursuant to this article only after all of the following requirements have been met:

- (a) Filing of a complete application as required by § 8-6.
- (b) Compliance with the requirements of § 8-7.
- (c) Receipt of proof of service of the notice required by § 8-8.
- (d) The passage of three additional business days following filing with the Construction Official of proof of service of the notice required by § 8-8.

§ 8-10. Action Required by Persons Demolishing a Building or Structure.

Within five working days after demolition is complete, all debris shall be removed from the site and any excavation resulting shall be filled with clean fill unless an extension of such time is obtained from the Construction Official for good cause shown.

§ 8-11. Exceptions for Emergencies and Demolitions by the Town of Westfield.

In the case of emergencies where there is a present danger to persons or property because of the condition of a structure or building as a result of fire, explosion or other cause, the Construction Official or the Town Engineer shall have the power to issue a demolition permit at his own discretion so long as he is satisfied that a bona fide emergency exists and that the structure to be demolished has been disconnected from all utility services as required by this article and that no hazards exist within the building which would render it dangerous to demolish. The Town of Westfield shall be exempt from the requirements of obtaining a permit under this article for the demolition of any building or structure by the Town of Westfield, but the Town shall comply with all safety requirements of this article.

§ 8-11.1. Violations and Penalties.

Any person commencing demolition or demolishing any building or structure or who causes or suffers the demolition of any building or structure within the Town of Westfield without first having obtained a zoning approval and/or a permit therefor; or having demolished a building or structure and/or, fails to remove the debris or fill any excavations as provided herein, shall be deemed in violation of this article. In the event of such violation, the Construction Official shall cause a summons and complaint to be issued returnable in the municipal court charging violation of this article. Penalty for violation shall be a fine not more than \$1,000, no more than 30 days in jail, or both. Each day that such offense continues shall be considered a separate offense.

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION III. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION IV. This Ordinance shall take effect after passage and publication in the manner provided by law.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

AUGUST 11, 2020

WHEREAS, Volta is engaged in the business of designing, provisioning and operating EVSE Charging Stations. Volta desires to provide and operate EVSE Charging Stations at a location controlled by Town of Westfield, and to make the electricity available through those EVSE Charging Stations to individuals charging electric vehicles on the terms and conditions provided below.

WHEREAS, the Mayor and Town Council have strived to provide leadership and guidance on emerging topics important to the people of the Town of Westfield (the “Town”); and

WHEREAS, the Mayor and Town Council recognize the importance of supporting the use of alternative fuel vehicles in the interest of improving air quality and reducing noise, as well as to slow the effects of climate change; and

WHEREAS, the Mayor and Town Council anticipates a growing trend in the use of electric vehicles and the need for supporting electric vehicle infrastructure; and

WHEREAS, the Mayor and Town Council desires to provide the public access to electric vehicle charging stations at certain locations controlled by Town to support the adoption of electric vehicles, to help reduce vehicle emissions and otherwise promote a cleaner environment, and to attract individuals and economic activity to Town’s premises; and

WHEREAS, Volta Charging, LLC, 155 DeHaro Street, San Francisco, CA 94103, has offered to construct and maintain six (6) electric charging stations in the Town for use by residents, which it will do at no additional cost of the Town;

WHEREAS, the Town has deemed that the background, experience, and qualifications of the Respondent herein satisfies the criteria set forth in the RFQ; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby authorizes the Mayor to enter into a contract with Volta Charging, LLC as described herein; and

BE IT FURTHER RESOLVED that the proper Town Officials be, hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this Co